

INDEX
OR
ABRIDGEMENT
Of the Acts of
PARLIAMENT
IN 1844
CONTAINED IN
MVOL

Reign of King JAMES the First
Including the former Index or
Abridgement, and continuing the
time to the Ninth Session of the
Current Parliament.

Printed and Sold by the Order of the Stationers.

JAMES STEWART of
Glasgow, His Majesty's Advocate.

EDINBURGH



92k

Advertisement.

Having formerly made an Index, or Abridgement of the Acts of Parliament to the Parliament 1681 inclusive. I have now lengthned it out in the same Methods, and as much as could be under the same Heads, to the Ninth Session of the Current Parliament, Anno 1700 inclusive.

But Men having different Apprehensions of the proper places of Acts, I can only hope that with more or less pains, it may be to all Useful, tho' not to all alike easy. I have likewise in the ranking of Acts under their respective Heads preferred some times the Contingency of the matter before the order of Time, as intending an Abridgement as well as an Index.

And I doubt not, but on a due perusal in most cases, it will be found a very good Supply, even of the want of the Acts themselves, tho' in no case a Man should be positively determined as to any Act, without first having inspected and perused it.

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If then upon the whole, this Essay may
be of any Use, I hope the Escapes I may
have made, will be the more easily par-
doned.

J. A. STEWART.

EDINBURGH, The Twenty Fifth Day of September,
One Thousand Seven Hundred and One Years.

ANENT the Petition given in to the Lords of His Ma-
jesties Privy Council, by Sir James Stewart His Ma-
jesties Advocat : Shewing, That he hath continued the for-
mer Index or Abridgement made of the Acts of Parliament,
for the Parliament One Thousand Six Hundred and Eighty
One, and all preceeding to the Parliaments and Acts there-
of since the said Year One Thousand Six Hundred and Eighty
One, Including and digesting the saids Acts as much as pos-
sible under the same Heads, to the effect, that all Acts upon
the same Subject may be laid together for the more Advan-
tage. And Therefore, Humbly Craving to the effect after-
mentioned; The Lords of His Majesties Privy Council,
having considered the foresaid Petition, given in to them by
the above Sir James Stewart His Majesties Advocat; They
thereby grant License to the Petitioner and his Assignys for
Printing the above Abridgement, as now continued, That
is including the former with a Continuation thereof to the
last Session of Parliament Current inclusive; And discharg-
es any other Person to Print, Vend or Sell any other
Abridgement, but that of the said Lord Advocats, during
the space of Nineteen Years from the Day and Date hereof,
without his Lordship or Assignyes their Warrant or Com-
mission, under the pain of Seising upon, and Forfeaulring of
the saids Abridgements for the use of the said Lord Advoca-
t or his Assignys; And farther under the pain of Five
Hundred Merchants Scots, to be payed by the Contraveeners,
to the said Lord Advocate, or his foresaids, beside the Sea-
sure and Forfeiture foresaid. Extracted by Me.

GILB. ELIOT Clk. Str. Conf.

The above Priviledge is Assigned by Sir James Stewart
of Gutteries Her Majesties Advocat, to George Myman
Printer of this Abridgement.

J. A. STEWART.

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ABRIDGEMENT

OF THE

ACTS

OF

Parliament.

*Digested into HEADS, set down
after the Order of the Alphabet.*

A

Aberdeen.

ACT granting to the Town of *Aberdeen* an Yearly
Fair on the Monday before *Whitsunday*, to con-
tinue for Eight Days, with the full Jurisdictions,
and Customs thereof. *James 6. Part 13. Cap.*
126.

Confirmation by King and Parliament, to the Town of
Aberdeen of all Animals and Fowls, Chaplainries and
Breadstalls, which belonged before to the Chaplains of
their Parish Kirk, and contained in their Gift. *Ibid. Cap.*
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The *Assets* of all Merchants, and others Abroad not
being returned, and their dying, should be discussed be-
fore their ordinaries within the Realm, by whom their
Testaments are confirmed. *James 1. Part 6. Cap. 89.* For
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ed. *Cha. 2. Par. 2. Sec. 3. Cap. 6. Ser the Act in Sum-*
monds.

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In all Actions in the Temporal Courts, the Party Pur-
suer if present, shall swear, That the Cause be *Good*,
Good, and Real: *Jam. 1. Par. 2. Cap. 22.* And in the
form of the Oath, to be sworn by the Adversary in the name
of his Client Absent.

That all Parties first pass to their Judge Ordinary, and
Pursue Justice. *Jam. 3. Par. 5. Cap. 27. Ser it in Judges.*

That all civil Actions be first Pursued before the Ordina-
ries, as Justice, Chamberlain, Shireff, Baron, Provost,
and Bailies, and others: And that there be only Pursued
before the Lords of Session, Actions pertaining to the King,
or moved by the Kirk-men, Widows, Orphanes, Pupils,
or Strangers, or Complaints upon other Officers, In which
last case, the Inrollments of the Officers of Court are to be
produced, and this Act to endure until the next Parlia-
ment. *Ja. 3. P. 14. Cap. 105.* If either Defender or Pur-
suer, in any Action shall Slay, Wound, or Invaide, the
other, so as it may be a ground of a Criminal Pursuit, or
that he be Airt and Part, thereof at any time from the
Executing of the Summonds, until the complet
Executing of the Decree. If it be the Defender, he shall be
Condemned without any other Probation, than what the In-
vader is Convict, or Denounced for the Deed by the Justice,
or other Criminal Judge: And if the Pursuer be the In-
vader, That on the like Probation the Defender be Affor-
id, and the saids Sentences to be irraducible, even on the
head of Minority, or any other Ground. Item the Inva-
der being Denounced for not finding Caution, or not Com-
pearance, That immediately he tunc his Lands to Escheat;
And the King promises to grant no Remission in this case,
And the using of any such Remission, is declared to be
repute as Conviction, to the effect foresaid, And this Act to
endure, for seven Years. *Jam. 6. P. 8. Cap. 134. Ser*
thereafter made a perpetual Law. Jam. 6. P. 14. Cap. 119.

Adhe-

Adherence see Marriage.

Adjudication see Compyrings.

Adjudication declared Redeemable within seven Years after the date, at the Instance of Con-Creditors, one after another, according to their Diligences in Adjudging in like manner, by payment of the Principal Sums contained in the Sentences of Adjudication, and Annualrents thereof, with the Expenses made in obtaining the same, at the Lords of Session their Modification, deduceing always the prior Adjudgers their Intromissions, and the Vicinal Rent to be Estimat at the common price of the Shire, betwixt Zule, and Candelmas. *Item.* A Minor, Renouncing to be Heir in his Minority, may be Reponed, and Redem, by payment, and loseth all the Priviledges granted to Minors in Compyrings. *Jam. 6. Par. 23. Cap. 7. The Act 1661.* anent Compyrings extended to Adjudications, in all points. *Cha. 2. P. 1. Sef. 1. Cap. 62.*

That the Superiors have an Years Duty for the Entering the Adjudger, as for Entering the Compyrser, And that Adjudications, and Compyrings, be in all cases alike as to the Superiors. *Cha. 2. P. 2. Sef. 1. Cap. 18.*

That in place of Compyrings, The Lords of Session at the Instance of any Creditor Adjudge, and Decern to him in Satisfaction of his Debt, as the same shall be Decerned by the Lords, such a part of the Debtors Estate formerly Appryfable, as shall be worth the Principal Sum, and Annualrent resting, and a fifth part more, for the Creditors want of the use of his Money, beside the Composition to the Superior, and Expenses of the Insestment, and his Adjudication to proceed on Probation, for the Creditor, And also for the Debitor, if he desire it, of the Value of the Land, and what it hath payed for five Years bygone, and may pay, and what the Rates are in the Country where it lyes: With power to the Lords, to determine on the Warandice; Upon which Adjudication, the Creditor shall have immediately the Intromission for this Annualrent, without being lyable to Compt and Reckoning: And in case the Lands and others Adjudged be affected, with Life-rents, or ootherways yeild no Rents, the same shall be expressed in the Decreet, and the Annualrent effeiring to the Inlaik of the Rent is to be added to the Principal at the Redemption, and the Lands and others Adjudged are to remain Irredeemable, with the Adjudger, it not Redemmed within five Years, by payment of Principal and Annual-

rents, Composition to the Superior, and Expences of obtaining Infeſtment, and Annualrent of the ſame inſeeking, as ſaid is. *Item*, The Creditor, may uſe all manner of Execution, Perſonal, or Real, for his Debt, againſt Principal, or Cautioner, until he get actual Poſſeſſion, as ſaid is. *Item*, That no Apprying be led hereafter of Lands or Rights, unleſs they be already Appryed, by another Creditor, But if the Debitor produce not the Evidence of the Lands, and others Adjudged, with a ſufficient Right thereof at the Lords ſight, and if he Renounce not all Right and Poſſeſſion, and Raiſy the Decret of Adjudication, Then the Creditor may Adjudge all Eſtate belonging to the Debitor, in the ſame manner, as if he might have Compyryed it before, conform to the Act 1661. And under the Reversion. *Item*, The Superior and Adjudger are declared to be in the ſame caſe after Citation in this Proceed, as if Compyryng were led, and a Charge given thereon: And thir Adjudications to be allowed, and Recorded, as Compyryngs. *Chas. 2. Par. 2. Seſſ. 2. Cap. 19. Anno 1672.*

Adjudication of Lands for the Fines mentioned in the Act, reſtricted to Lands not exceeding the Value, ordained to expire within Year and Day, and preferred as all this *pari Paſſu. Ja. 7. Par. 1. Cap. 26. but this Act Reſcind. W. and M. Par. 1. Seſſ. 2. Cap. 28.*

That in Adjudications and other Deeds wherein by Law or conſent a certain time runs the from the 28. November 1688. to the 15 October 1689. be not Compyryed. *W. and M. Par. 1. Seſſ. 2. Cap. 40.*

Admiral.

That the Admiral Exerce no Jurisdiction, nor exact any kind of Duty, or Caſualty, but according to the uſe before the death of King James the 5th: Notwithſtanding of any greater ſpecialty contained in his Infeſtment bygone or to come. *Jam. 6. Par. 12. Cap. 157.*

That in reſpect the Admiral Court, is a Sovereign Judicatory, Importing of its own nature Summar Execution, Therefor Letters of Horning paſs upon their Decret, ſicklike as on Shirreſſis, &c. By the Act *Ja. 6. Par. 18. Cap. 10. Ja. 6. Par. 20. Cap. 15.* And this Act Ratified, and the Court of Admiralty decerned to be a Sovereign and Supream Court, in it ſelf: That the high Admiral is His Majesties Lieutenant, and Juſtice General on the Seas, and in all Ports, Harbours or Creeks thereof, and upon Freſh Waters, or Navigable Rivers, below the firſt Bridges, or within the higheſt Flood marks: That he

hath

hath the sole Jurisdiction in all Maritime Causes, Foreign or Domestick, Civil, or Criminal, Exclusive of all other Judges: That he may cause Parties find Caution both for Comparance, and Performance. That he may punish the breakers of his Arrestments, and deforcers of his Officers, and hath Right to their Fines: That the said high Court may reduce the Decrees of Inferiour Courts of Admiralty, and also review its own: That there be no Advococation from the said Court, and no Suspensions granted of their Decrees; But by the whole Lords in time of Session, and three Lords in time of Vacance, and they be discussed Summarily. And lastly, That the Admiral and his Deputies have the sole Right of granting Passes, and safe Conducts to all Ships, and all Acts and Customs contrary to this Act are Repealed. *Ch. 1. Par. 3. Cap. 16.*

Adultery.

That open, manifest, and incorrigible Adulterers after the Kirk Censures executed upon them, be denounced Rebels, and their Goods Escheat. *2. M. Par. 5. Cap. 38.* That open and manifest Adulterers after due monition made to them to abstain, be punished to the Death, Reserving the former Laws against other Adulterers. *2. M. Par. 9. Cap. 74.* And notorious and manifest Adultery worthy of Death declared to be where Bairns are Procreant, or the Adulterers keep Company and Bed together, notoriously, or when suspect and duly admonished, they refuse the Kirk by Repentance, or Purgation, and are therefore Excommunicat. *Ja. 6. P. 7. Cap. 103. Ratified. W. P. 1. Sess. 9. Cap. 11.* A woman divorced for Adultery, and Married, or openly at Bed and Buiel, resorting in Company with her Adulterer, may not Annull her Lands, or Possessions, in prejudice of the Heirs of the first Marriage, or of her other Heirs. And all such Alienations as well since July 1587. as in time coming are declared Null, by way of exception in all Courts. *Ja. 6. P. 12. Cap. 117.* All Marriages betwixt persons Divorced, and their Adulterers, decreed to be Unlawful and Null, and their Issue inhabile to Succeed to their Parents. *Ja. 6. Par. 16. Cap. 20.*

Advocats see Session.

Prognise and Oath of the Estates nor to Maintain, Defend by Advocats, or stand at the Bar with manifest Traitors and other notorious Malefactors, but only to compare with their Kin and Friends in sober wayes, in the defence of them in honest Actions. *Ja. 9. Par. 14. Cap. 98. see it in Treason.*

Advocat may freely Compare for, and Defend persons accused in Parliament for Treason, or otherways. *Ja. 6. Par. 11. Cap. 38.* And this warrant more fully given as to Treason, and all other Crimes before any Judge, and that the Judge may compel them, to procure in case of their refuse. *Ibid. Cap. 39.*

Advocat Fies, *see* the Act of Regulation. *Cha. 2. Par. 2. Sess. 3. Cap. 16.*

Advocation *see* Declinator.

That no Advocation of Causes be from the Judge Ordinary, except for deadly Feed, or that the Sherriff Principal or the Judge be Party, or in the causes of the Members of the Colledge of Justice. *2. M. P. 6. Cap. 39.* But this Act is anent the warning of Tenements, and what is subjoined anent Advocations, may seem to relate to the Actions of removing therein mentioned. Act Dischargeing the Lords of Session, to grant advocations from Judges Competent; for Sums within 200. Merks or for any cause whereunto the Interior Judges, are by Law expressly appointed to be Judge. *Cha. 2. Par. 1. Sess. 3. Cap. 9.*

Air, Appeairand Air, and Airship.

The Moveable Heirship of Barons is the best of ilk a thing, after the Statute of the Barrow Lands. *Jem. 3. Par. 7. Cap. 54.*

That Heirs who were at the Field of Stirling with King James the 4th. be not prejudged by their Predecessors, but all Alienations made sensyne to their hurt are declared Void. *Ja. 4. Par. 1. Cap. 6.*

The Creditor may follow the Heir after a Year, because the Executor in that Year should be Responsal, and the Heir may put him to Compr, and cause him to find Caution. *Ja. 4. Par. 6. Cap. 76.*

Heirs of perfect Age lying out Unentred, may be Charged as Fourty Days, to Enter to their Lands, Year and Day being past, after their Predecessors Death: And on their Failzie Comprising may proceed, Redeemable always in seven Years. *Ja. 5. Par. 7. Cap. 106.* And this course may be taken against them albeit Minors. *Ja. 6. Par. 23. Cap. 6.* And as well for their own, as their Predecessors Debts, and the former Act is thus expressly extended. *Ja. 6. Par. 23. Cap. 27.*

That the Creditors of the Defunct, be Preferred to the

Acts of Parliament.

7

Creditors of the Apppearand Heir, as to the Defuncts Estate. Providing they do Diligence against the Apppearand Heir, and Real Estate of the Defunct, within three Years after the Defuncts Decease: *Item*, That no Right, nor Disposition, made by an Apppearand Heir, in prejudice of his Predecessors Creditors, be valid, unless made a full Year after his Predecessors Death. *Cha. 2. Par. 1. Sess. 1. Cap. 24.*

An Apppearand Heir, or Confident to his behoove, acquiring Right to an expired Comprising, led against his Predecessor, the same is declared Redeemable, within the space of Ten Years after the acquiring, by any posterior Compriser, upon payment alternately of the Sums truly payed out for the same, at least what is resting thereof, unsatisfied by the Apppearand Heirs, or Confidents Intromissions. *Cha. 2. Par. 1. Sess. 1. Cap. 62.*

This Act is for ordering the payment of Debts betwixt Creditor and Debitor..

If any since the 1st. January 1661: and for hereafter hath served, or shall serve himselfe Heir, or by Adjudication on his own Bond, hath Succeeded, or shall Succeed to a remoter Predecessor, then he shall be liable to the Debts of the Interjected to whom he is Apppearand, and who was in Possession of the Estate for the space of three Years, and that to the value of the Estate, and as to by-gains, with preference of his own, and the Predecessors Debt, to whom he is Served. *Item*, Any Apppearand Heir Entering to Possess his Predecessors Estate, or Purchasing any Right thereto by himself or any other otherways than as the highest Offerer at a Publick Roup without Collusion, shall be lyable as if Served Heir allowing to the said Apppearand to bring the Estate to a Roup. *Item*, Where Rights and Diligences are settled on such a Relation, as the Apppearand may also Succeed to the Apppearand, Possessing by virtue thereof, except upon Purchase at a Roup, shall not only make him lyable, but these Rights and Diligences shall only be sustained Valid in the Person of that Relation, in so far as truly Purchased for Money, and no farther. *Item*, It is Statute, That Apppearand Heirs may Enter, cum Beneficio Inventarii, they giving in Recording and Extracing the same within Year and Day as in the Act. In which case he is only to be lyable secundum vires, but if he either Intromet before unnecessarily, or thereafter upon Omission, he loses this Benefit. *Item*, He may eik within 40. Days of his Knowledge, if the thing be not in the mean time affected by a Creditor. *N. and M. Par. 1. Sess. 3. Cap. 24.* But such Appearand

and Heirs as before this Act had Purchased partial Rights to their Predecessors Estates, are excepted from the foresaid Act, and allowed to proceed in Purchasing according to the Laws in force at before. *Ses. 6. Cap. 17. Ibid.*

Ale and Beir.

The Prices of Ale, and Drinking Beir, should be set by the Lords of Council, according to the Rates of the rough Bear, and Barley. *Cha. 2. Per. 2. Ses. 1. Cap. 17.*

That no Salt be made use of in Brewing Ale or Beir any manner of way, under pain of Effear of Looms and Vessels, and Liquor therein to the Informer, tho a Servant and Accessary; and of the loss of Liberty and Incapacity, and the Contravention of this Act may be proven by Oath of Party or *probat de jure. W. Per. 2. Ses. 6. Cap. 42.*

Alienation Double.

He who gets Lands, or Annuallrents, by Sale or Disposition, where Warrandice may fall, breicks the same Year and Day, by Letturing, or Upplasing the Maile and Duties, is preferred to the Person having Private Seate and Seasing of the same of before, and not Publickly Infeft. *Prov.* That no Man grant such Double Alienations, or Double Affidations, or Assignations, And that no over-Lord receive double Resignation willingly, under the pain of Infamy, and so be punished in Person and Goods. *Ja. 5. Per. 7. Cap. 205.* And further That double Dispositions be not made, and the making thereof is declared to be *crimen felonie*. *Jan. 4. Per. 12. Cap. 140.* The Act is, no person may be denounced Rebel upon Letters Charging all and sundry generally.

Alienations made by Traitors, after the committing of the Crime, are Null. *Jan. 6. Per. 2. Cap. 36.*

Alienations Fraudful.

Reductions of Alienations in Defraud of Creditor, are privileged upon Twenty one Days warning, without Dye, Table, or Commutation: And before the Party Receiver of the Alienation, be admitted to produce and Answer, he should consign in the Clerks hand, a Sum to be Modified by the Lords, and given to the Pursuer, in case the Alienation be found to be Fraudful. *Jan. 6. Per. 2. Cap. 128.*

All Alienations, Dispositions, and Assignations made by Debtors, of their Lands, Tenes, revenues, and Goods

what

Acts of Parliament.

whatsoever, to any Conjunct, or Confident Person, without a true and just Cause, after the contracting of their Debts; may be declared Null, at the Instance of just Creditors: And if any third Party Purchase lawfully the said Lands, or Goods, from the saids Conjuncts or Confidents, his Right shall stand: But the Receiver of the Price shall be liable to make the same Purchasing to the saids Creditors. Item, The Fraud may be proven by Writ, or Oath of the Party Receiver of the said Security, that it was without any true, and just Cause, or that the Lands, and Goods being again sold, the Price or most part thereof was, or is to be converted to the Bankrupts use; providing always, That what of the saids Lands, and Goods, or Price thereof, shall be really applied by the saids Interposed Persons, to the Bankrupts lawful Creditors, shall be allowed, they making the rest Purchasing. Item, If any Dyvour, or his Confident, shall make any Voluntary Payment, or Right, in Defraud of the more timely lawful Diligence of another Creditor, having used Intimidation, Horning, Arrestment, Outprying, or other lawful mean, to affect the Dyvours Lands, Goods, or Price thereof, the Dyvour or his Confident, shall be holden to make the same Purchasing, to the more Vigilant Creditor, who shall be preferred to his said Co-Creditor, and have Action to make him Restore, what was Voluntarily Payed, or Defraud, as said is; And all Bankrupts, and their Interposed Persons, for covering their Fraud, and all their wilful Assurers therein, by Counsel, or otherways, shall be reputed Infamous, Incapable of Honour, or Office, or to pass upon Inquests, or to be Witness in Judgement or out with. Jan. 4. Per. 23. Cap. 18.

Aliment.

That the Lords of Session grant no Aliment upon Bill, tho' in a depending Process, but that Aliments be pursued before them by way of Action to be summarily discuss'd. W. P. 1. Sess. 4. cap. 21.

St. Andrews, see University. Ann.

The Ann due to the Executors of deceased Bishops, and Ministers, is declared to be a half a Years Rent, over what is due to the Defunct for his Incumbency; To wit, If he survive Whitsunday, the half of that Year's due for his Incumbency, and the other half, for the Ann. And if he die

Survive Michaelmas, the whole year is due for his Incumbency, and the half of the next year for the Ann: And the Executors need not to confirm the Ann. *Car. 2. Par. 2. Sess. 3. Cap. 13.*

Annexation, and Annexed Property, see Dissolution.

Annexation of the Customs, and Burrow Mails, to the Crown. *Jam. 1. Par. 1. Cap. 8.*

And Annexing certain Lordships, Lands and Castles, to the Crown, therewith to remain perpetually, which may not be given away in free, or frank Tenement, without advice and Decree of the whole Parliament, and for great, and seen Causes, for the good of the Realm; And any Alienation otherways made by the King, or His Successors to be of none avail: But the King for the time may resume the Lands, without Process, and make the Possessors re-found all Profits; And that the King, and His Successors Swear at Their Coronation, to keep the Statute. *Jam. 1. Par. 11. Cap. 41.*

Annexation of the Earldom of *Ross* to the Crown, not to be Annailized, Except that it may be given to one of the Kings second Sons. *Jam. 3. Par. 9. Cap. 72.* And the Earldom of *Ross*, and Lordships of *Ardennech*, are appointed to be the proper Patrimony of the King's second Son. *Ja. 6. Par. 11. Cap. 30.*

Annexation of the Earldom of *March*, and other Lands to the Crown, with the same Clauses, set down in the Act. *Jam. 2. Par. 11. Cap. 41. Jam. 3. Par. 14. Cap. 112.*

Annexation of Lands to Baronies, and the effect of it, see Baronies.

Annexation of certain Lands by King *James 5th*, not to be Annailized, without Decree of Parliament, for great and reasonable Causes, First advised by their Estates. *Jam. 5. Par. 6. Cap. 84.*

Another Annexation made by him of more Lands, with an Exception, only to set in few, for Augmentation of the Rental, conform to the Acts of Dissolution. *Jam. 5. Par. 7. Cap. 115.*

Annexation of the haill Temporality of the Kirk to the Crown, made the 29 of July 1587., and to begin from the Term of *Martinmas* Inclusive, the said year: But with a

dissolution, that the same may be set in few : And the Ecclesiastick Persons are declared free of Warrandice, except frae their own Deeds: And the Act contains many other conditions, and exceptions, as particularly, it excepts all Teinds pertaining to any Parsonage, or Vicarage, where the Stock and Teind are not set together : All Castles, Houses, and Mansions with Buggings and Yards thereof, lying within their Precincts, pertaining to Bishops, and other Prelates, all Persons and Vicars Manfes : with four Aikers of Gleib, appointed for Ministers, all Lands Teinds, and others disposed to Colledges, Schools or Hospitals, or for sustentation of Ministers, within Burgh, together with all Laick Patronages, As also without prejudice of all Fews, Tacks, and other Rights, and all pensions lawfully disposed of before : Providing alwayes, that the Superiorities belong to the King, and that the Heirs of the Vassals be entered by Brieves out of his Highness Chancellary, as the Heirs of his other Tennents : *Item.* That when Stock and Teind are set in Few together, the Superiority remain entirely with the King, and the Ecclesiastick Person, to have the Tenth of the whole Duties, payable for Stock and Teind. *Item.* That Burrows of Regality, and Barony formerly holden of the Kirk, enjoy the same Rights and Liberties, of exercising Merchandice, and having their own Officers to be holden of the King as also that the King now become their Superior, have the same Right to the Non-entrys of Tenements and Annualrents within the same, being they are not free Barons Regal; that the Prelates had before, and that the Entries be made by his Highness Chancellary. *Item.* This Annexation prejudices not Heretable Baillies and Stewarts of Kirklands, except only as to the change of their Superior. *Item.* The King reserves Liberty to himself, to make from this Act of Annexation what exceptions he pleases, being signified under his own, and the Lord Chancellors hand, betwixt and the 15 of August then next, several of which Exceptions are subjoined in the Act *Jam. 6. Par. 11. Cap. 29.* But this Act rescinded in so far as prejudicial to the Estate of Bishops, *Jam. 6. Par. 18. Cap. 2.*

Prelates and others, whose Lands are Annexed to the Crown, are declared free of all Warrandice of any Disposition whatsoever made of, or about their Temporalities: Except in the case of double Rights, and from their own Deeds, *Jam. 6. Par. 11. Cap. 110.*

Annualrents payed out of the Kings Annexed Property, to any Prelat, or other beneficed person after their decease, remain with the King as a part of the Patrimony of his Crown. And it is Statute, That none have Right thereto here-

hereafter, without prejudice to Hospitals, Colleges and Schools. *Jam. 6. Par. 13. Cap. 167. See Comptroller and Exchequer.*

Act Annexing the Lands therein contained to the Crown, with the ordinary Clauses, And expressly, That they may not be given away in free, frank Tenement, pension, or other Disposition, except for great and reasonable Cause concerning the Realm, first to be advised by the whole Estates of Parliament, and their Decree interposed, Ibid. Cap. 176.

Annexation of the Lands, Tents, and others, Lyand on the North side of the Water of Forth: Excepting the Baronyes of Barm-Muath, and New-Barn and with an ample exception and ratification of the Indultments of the Barony of Melroburgh, granted to the Lord Thirlstane. Jam. 6. Par. 13. Cap. 179.

Act Ratifying all former Acts of Annexation, specially the Acts Jam. 2. Par. 11. Cap. 43. and Ja. 5. Par. 6. Cap. 84. and rescinding the Act of Dissolution past in Parliament in King James the Sixth his Minority. Jam. 6. Par. 9. Cap. 6. and all other Acts of Dissolution made in the Minority of Kings, albeit the same with the Indultments thereon be ratified in Parliament in their Majority, Jam. 6. Par. 14. Cap. 203.

New, The Kings Castles, Palaces, Yards, Woods, Parks, Porten, Pastures, and in special the Lowmonds of Falkland, Coal-Breughel, and Others, are Annexed inseparably, and excepted from the Dissolution. Ibid. Cap. 204. The Act is, General Dissolution of the Property, See the Act Dissolution. And all Heretable Alienations, Allodations, Rents, Pensions, and other Dispositions of the Kings Palaces, Castles, Parks, Meadows, Coal-Breughel, and in special of the Palaces of Holyroodhouse, and Park thereof, Linlithgow Park and Coal thereof, Falkland, Coal, Park, and Lowmonds thereof, Castle of Stirling, Parks and Wards thereof, and of the Towward, Castle of Dunbartoun, with the Lands and Maines thereon adjacent, Castle of Blackness, And generally as in the former Act, are declared null, from the beginning. Jam. 6. Par. 15. Cap. 235. But the Grounds of demolished Castles, Bowers, Meadows, and Lochs belonging thereto, with the fish Coal-Breughel are again allotted. Jam. 6. Par. 16. Cap. 2. See the Act of Dissolution.

Annexation of the Fees, and Hatch Ducies of all Ecclesiasticals to the Crown, and discharging and annulling all Pensions, or other Dispositions, made since the Act of Annexation of the same, or of any Temporalities of Vassals

Respect, fallen on the King, save the said Act, notwithstanding of whatsoever gift, or confirmation thereof in Parliament. *Ja. 6. Par. 14. Chap. 207.*

That all Feoffment, Assurances to the Crown, by the Act 1487, remain thereby, and that all Feoffment, which ever be made, and assured, and be liable to Taxations accordingly. *Ibid. Chap. 212.*

All Infeignments of the Ancestral Property given by the King, or any of his Predecessors, are declared null, Except for by them being of perfect age, after Dissolution made in Parliament, in Their Majesty, with Augmentation of the Rental. *Ja. 6. Par. 15. Chap. 239.*

The Ancestral Property cannot be sold, or Disposed, but in form fore, and all Dispositions thereof, by Ward or other manner of holding, are null, Except Infeignments granted by the King, or his Predecessors, by way of Exchange, without diminution of the Rental. *Ibid. Chap. 234.*

All Alienations, Rentals, Tacks, Pensions, Discharges, and other Dispositions whatsoever, of the Ancestral Property, and specially of the Customs made before Lawful Dissolution, or contrary to the conditions thereof are null by way of Action or exception. *Ibid. Chap. 236.*

And sold like of the Allise Herring, because they are part of the Kings Customs and Ancestral Property. *Ibid. Chap. 237.* And sold like of the Sew-ferm Duties of the Ancestral Temporality, or of any part of the Patrimony of the Crown. *Ibid. Chap. 239.* All free Gifts, and Discharges of the Kings property, Esche, Casualties, or Priviledges, pertaining therein, are declared null. *Ibid. Chap. 238.*

The two part of the Spirituality unassumed of all Prelates, Sole vicars, declared to appertain to the King, and that it may not be put away by any Disposition whatsoever. *Ibid. Chap. 242.*

Resolutions in Parliament doe not derogate from the general Laws, about the Ancestral Property, except the same be made expressly, dispensing with the said Laws by advice of the three Estates, specially therein mentioned. *Ibid. Chap. 243.*

Annexation of the Barlondom, Lordship, and Lands of Counts, and Baron, to the Crown, not to be Annularized therefrom, without advice of Parliament, for great and soon causes first to be advised, and considered by the Estates, but with several exceptions contained in the Act. *Ja. 6. Par. 16. Chap. 2.*

Act of Annexation, ratifying all former Acts of Annexation, specially the Act, James 2. Par. 11. Chap. 14.

And

And annexing *de novo* all therein annexed: Attour annexing the Superiority of all Lands and others pertaining to any Abbacy, Priory, or other benefice whatsoever, erected before or after the Act of Annexation 1587. With the whole Few-mails and Rents thereof, to abide with the Crown for ever. Reserving to the Titulars of Erection who have Subscribed the Surrender, the Rents of the said Superiorities untill they receive payment of the Sum of a Thousand Merks, for each Hundreth Merke worth, of all other constant Rent, not being naked service of Vassalls, as also their property and Proper Land, to be holden of his Majesty for the Duties contained in their old Infeftments before the said Act of Annexation, and all deeds, preceeding the date, and in prejudice hereof are declared null: And the Acts, *Jas. 6. Par. 35. Cap. 233. 234. 236.* (all above) are specially ratified, Rescinding all deeds in the contrary: Excepting alwayes from this Act all Lands Superiorities and others pertaining to Arch-Bishops, Bishops and their Chapters, *Car. 1. P. 1. Cap. 20.*

And this Act Ratified, and the Superioritie of all Lands, and others belonging to the saids Benefices, whosoof the presentation belonged to his Majesty, and his Predecessors, and Erected as said is, of new Annexed, and all gifts and Grants, made by his Majesty, or his Father, since the Surrender 1627, whereby the profits of the saids Superiorities were, or may be conferred to any, except the proper Vassalls thereof, are declared to be null; Reserving the Few-Duties to the Persons having Right thereto, *as supra*: And reserving to the Earl of Lauderdale, his Infeftment of the Lordship and Regality of *Masselburgh*, and the Lords of Exchequer and all others are Discharged the passing any of the saids Rights, and Grants, hereby declared null; except Infeftments in favours of the Lords of Erection ay and while they be redeemed, and with the whole remanent exceptions contained in the said former Act, declaring nevertheless that any who have got or shall get new Infeftments of Superioritie of Kirk-Lands, the same shall stand good as to such Vassalls, who have given their consent to the saids Rights: Because the said consent is of the nature of a Resignation of property in their favours, but prejudice to his Majesty of his Right of reversion, and of the Few-Duties and casualties conform to the Act 1633. *Car. 2. Par. 1. Sess. 1. Cap. 53.* Special Ratification of that part of the Act of Annexation 1587. Annexing the Right and privilege of Regality, belonging to any Abbacy, Priory, or other benefice to the Crown, declaring that the Heirs of Vassalls shall be entered by brieves forth of his Majesties Chancel.

Chancellor, directed to the Magistrates of the Burghs of the saids Regalities. And farther all right granted by His Majesty, His Father or Grand-Mother of any of the saids Regalities, is Rescinded, and the Right thereof is declared to appertain to his Majesty, and his Successors, without respect to any exception contained in the said Act of Annexation; Reserving alwayes to Heritable Bailies, and Stewards of the saids Regalities, the Rights granted to them by the beneficed Persons preceeding the Erections, and this Act extends not to any Right of Regality pertaining to Arch-Bishops, and Bishops nor yet to the Infeftment of the Barrony of *Broughtoun*, granted to the Earl of *Rothesburgh* in the Year 1630. *Car. 1. Par. 1. Cap. 13.*

Act Ratifying former Annexations, and the Decreet reductive against the Earl of *Morven* of the Earldom of *Orkney* and Lordship of *Zetland*, and of new annexing the same to the Crown: And also excepting them from all general Acts of dissolution, and that no Right to be granted thereof hereafter without the advice and Decreet of Parliament upon mature deliberation, and expressing the particular causes first given thereunto. At also the Act suppresses the Office of Sheriffship, and Fowdrle therein, and Erects them in a Stewartry, not to be given Heretably to any person without advice and consent foresaid, without prejudice to the Bishop of *Orkney* of his Patrimony, and of His Majesties Vassals, in the said Isles of their priviledge of sending Commissioners to Parliament. *Car. 2. Par. 2. Sess. 1. Cap. 13.*

Annexation of several forfeitured Estates to the Crown, *Ja. 7. Par. 1. Cap. 42.* But all those Forfeitures are reduced, and that Act rescinded. *W. & M. Par. 1. Sess. 2. Cap. 28.*

Annexation of the Baronies of *Mairball* and *Melfort* to the Crown. *Ja. 7. Par. 1. Sess. 2. Cap. 9.* But rescinded *W. and M. Par. 1. Sess. 2. Cap. 28.*

Annualrent, see Usury and Retour.

All Annualrents of Victual, or Silver sold in time bygone, and redeemable, may be redeemed, by payment of the Principal Sum, contained in the Reversion and byrunt Annuals thereof, at Ten per Cent. Notwithstanding of security given for greater Annual. *Ja. 6. Par. 12. Cap. 135.*

After Denunciation to the Horn, the Sums denounced for, bear Annualrent until the payment, albeit there was

no passion made for Annualrent, and the Act is extended to all that they stood denounced for, equal future from the Term of Martinmas thereafter. *Jas. 6. Par. 23. Cap. 25. 4. August. 1611.*

Annualrent Reduced from Ten to Eight *per cent.* and that none take more, under the pain of Usury, but the Execution of the Act suspended for three years after the date, in respect two of the Ten *per cent.* in that space granted to His Majesty. *Car. 1. Par. 3. Cap. 22. dated 28. June 1633.*

Annualrent reduced to Six *per cent.* and the same declared to be free of all Retention, and other publick burdens. *Car. 1. Par. 1. Sess. 1. Cap. 49.* But Retention granted to Debtors for one year, from Martinmas 1672. to Martinmas 1673. of one sixth part thereof, at the payment of the other five parts. *Car. 2. Par. 2. Sess. 3. Cap. 4. Cap. 2 in Supply.*

Annuitie of 40000 Pounds Sterling to the King.

Act for raising this Annuitie to His Majesty yearly, during his Life, Extending in Scots Money to 40000 pounds yearly; Whereof 9600 pounds Scots, or 8000 pounds sterling to be raised yearly by an Excise upon the Coal, and Salt, and Forreign Commodities specified in the Act, and the Remainder being 30400 pounds Scots, or 2500 pounds sterling, to be raised by an Excise upon the Beer and Ale, Aquaviv, and Strong Wines brown and sold in the Country, at the rate in the Act (see it in Excise) for which End it is proportioned among the Shires and Burghs. And it is ordained, that what the said Excise in each of them shall fill flow of their Rates be supplied by the Sheriffs in Lieu of the Malt brown in their own Houses, according to Rule of the valuations as settled before August 1660. And Commissioners are appointed for each shire, and Burgh, with full power to Collect the said Excise, poynd and quarter therefore, and do all things else necessary; And they are declared to be obliged to pay in the same or four terms in the year, beginning the first at Lenthmas 1661. and the Council is empowered to name New Commissioners, in the place of any deceased, or disabled. Also, The Excise of the Salt and Salt, and Forreign Commodities, if any shall be, is appointed to be appointed for the benefit of any Shire, or Burgh overburdened, or disproportioned in their Rates set down in the Act. *Cap. 2. Par. 1. Sess. 1.*

Sess. 1. Cap. 14. anno 1651. But the Proportions here set down on Shires, and Burghs are again rectified *Car. 1. Par. 1. Sess. 3. Cap. 25.* This Annuity continued for five Years after His Majesties Decease: *Car. 1. Par. 3. Cap. 2.* See it in *Excheq.*

Annuitie of Teinds.

Act Ratifying the *Act* of the Commission of Teinds the 29. of May 1627. Giving to his Majesty and his Successors, an Annuity out of the Teinds, except the Teinds payed to Bishops, in the state wherein the same is presently payable, and the Teinds payed to Ministers, Colledges, Hospitals and Pious uses, That is to say, of every Teind Boll of the best Wheat, 10. Shillings, of the best Bear, 1. Shilling, of the best Oats, Meal, Pease and Rye, 6. Shillings: And where the Oats render but half Meal 3 Shillings: And where the Victual is worse, that the Annuity diminish proportionally, and where the Teinds Parsonage or Viccarage consists in Money, that the Annuity be 6. per cent, with the rest of the Acts of the said Commission set down in the *Act*, and it is declared, that this Annuity is not annexed to the Crown; But left to his Majesties free dispose, *Car. 1. Par. 1. Cap. 15.*

Apparel Ordinary.

That none wear Silk or costly Furring, except Knights and Lords, of 2. hundred Merks Yearly, and their Eldest Sons without licence of the King, and that none other wear Broderiey, Pearle, Buffon. *Ja. 1. Par. 9. Cap. 119.*

Another Regulation of Apparel, and that no Woman come to Kirk, or Mercht, with her Face Muffled under the pain of Escheat of the Courchy. *Jam. 2. Par. 12. Cap. 7.*

That none wear Silk, except Knights, Minstrelles and Heralds, and such as have one hundred Pounds worth of Land-Rent, under pain of Escheat of the Silk, and of Twenty Pounds to the King. *Jam. 3. Par. 6. Cap. 46.*

Act and particular Regulation about wearing Apparel, wherein Two thousand Merks and Fifty Chalder of Victual per annum are Equivat. *Jam. 6. Par. 7. Cap. 113.*

Another *Act* Regulating Apparel, wherein 80. Chalders Victual, and six Thousand Merks per annum are made Equivalent, *Ja. 6. Par. 23. Cap. 25. anno 1621.* Another *Act* anent Apparel *Cha. 2. Par. 2. Sess. 3. Cap. 10. anno 1672.* And Repealed *Cha. 2. Par. 2. Sess. 4. Cap. 3.*

But all thir Acts are Innovat by the Act of Trade, Cha. 2. Par. 3. Cap. 12. See it in Trade.

That none wear Gold or Silver, or Counterfits in Apparel after the first of June 1699, nor in Horſe-Furniture already made after the first of June 1701. under the pain of destroying the Apparel or Furniture, and 500. Merks, half to the Discoverer, half to the Judge or Justice of Peace, who is to Judge Summarly and Imprison for the Fine, Excepting from this Act the Officers and Souldiers of the Horſe and Foot Guards, as to their Li-very-Cloaths and other Accoutrements. W. Par, 1, Seſſ, 7, Cap, 7.

Apparel Solemn.

The manner of Arrayments for the Parliament, and for Fore-speakers. Ja, 2, Par, 11, Cap, 47, Ratified and that the King make the Paterns, Jam, 2, Par, 14 Cap, 68.

That Magistrates of Burghs and their Commissioners to Parliaments, wear at Parliaments, and other Solemn Times, such Decent Apparel as his Majesty shall prescribe, and the Parliament Refers to the King, to appoint the habits of the Lords of Session, and all other Inferiour Judges, As also of all Criminal, and Ecclesiastick Judges and of all Advocats, and others Living by practice of Law. Item, That all Ministers wear Black, and all Prelats Grave and Decent Apparel, And farther that what Order his Majesty shall prescribe for the Apparel of Kirk-Men agreeable to their State, and moeyen being sent to the Clerk Register, shall be by him insert in the Books of Parliament, to have the strength of an Act thereof, that Letters may be direct thereupon, Charging the persons concerned to provide within Fourty Days, and wear, and use the said Apparel at the Times, and in the manner as his Highness shall appoint. Jam, 6, Par, 20, Cap, 8. Item, This power as to the Apparel of Kirk-men is declared to remain with King Charles the first and his Successors. Cha, 1, Par, 1. Cha, 3, See it in King.

Arbiter, and Overs-Man.

The way of appointing an Overs-Man for Submissions then Depending, and that thereafter all Arbiters be chosen of an Odd, and not of an Even Number, ocherways the Submission to be Void. Jam, 1, Par, 6, Cap, 88.

Archer.

That all Men busk themselves to be Archers, for they

be Twelve Years of Age, and that in ilk Ten Pounds Land, there be Bow marks: *Jam, 1, Par, 1, Cap, 18.*

Argyle.

Address of Parliament against the late Earl of *Argyle*, and his Associates, dated the 11 of June 1683, *Ja, 7, P, 1, Cap, 36*, but the Clauses thereof against Mercy and Intercessions annulled *Ibid, Sess, 2, Cap, 25*, and the whole Rescinded *W, and M, Par, 1, Sess, 1, Cap, 4, and Sess, 2, Cap, 28*.

Act Annexing the Heretable Offices and Superiorities belonging to the Earl of *Argyle*, to the Crown. *Ja, 7, Par, 1, Cap, 40*, but Rescinded *W, and M, Par, 1, Sess, 1, Cap, 4, and Sess, 2, Cap, 28*.

Act Rescinding the Forfeiture of the late Earl of *Argyle*, with the two Acts abovesetdown and Restoring the present Earl, and the late Earls Posterity by way of Justice. *W, and M, Par, Cap, 4*.

Act allowing Quartering for the Bishops Rents within the Bounds of the Synod of *Argyle* and the Isles, but this Act only to endure untill the next Session of Parliament. *W, and M, Par, 1 Sess, 4, Cap, 10.*

Army, see Host.

Armour, or Harness.

That all Merchants bring home Harness and Armour. *Jam, 1, Par, 3, Cap, 47. See Weapon-sharving.*

That ilk Man of 20, Pounds Rent, or 100, Pounds of Estate be Horfed, and hail Harnessed, and other Simillar, as in the Act, *Jam, 1, Par, 9, Cap, 120*. And that Yeomen be Graiched for Wear as the Act, *Ibid, Cap, 121*. And that the Baron, and in his Default the Shirreff see his Men so Boden, under the pains setdown in the Act *Ibid, Cap, 122, and Ja, 3, Par, 6, Cap, 45*.

That ilk Burgeis of Fifty Pounds be Armed as a Gentleman, and the manner as in the Act, under the pains therein set down, *Jam, 1, Par, 9, Cap, 123*. And how Men should be Harnessed, *Jam, 2, Par, 13, Cap, 56, Ja, 3, Par, 11, Cap, 82, and Ja, 5, Par, 6, Cap, 87, and 88*.

Arrestment, and Breaking, and Loufing thereof.

Probation of all Arrestments made by Courtiers and

Sejants, to be by Wanch. *Jam. 3, Par. 7, Cap. 33.*
 That the Lords proceed Summarily in Actions for breach of Arrestment, to put them to a point, without Intermission: And the Breakers to be punished by Escheat of Moveables, and their Persons so to be in the Kings Will, And that their Escheat be burdened with the payment of the Arresters Debt, his Expences highly Taxed, and with the Sum to be Modified by the Lords of Session for his Damage, in the first place. *Jam. 6, Par. 7, Cap. 28.*

That all Bills for Loufing of Arrestments past by the Lords of Session, be past upon Caution, to be found in their Books, and that the Clerk receive the said Caution before he give out the Bill, and all loufing of Arrestments ocherways made to be Null. *Jam. 6, Par. 22, Cap. 17.*

All Sums of Money addebted by Bonds, or other Persons Obligements whereupon no Infektment hath followed, are declared Arrestable, and that without changing the nature of the Sums, as to the Heir or any pretending Right to them as Heretable, and also bet prejudice to Creditors to Comprife rather then Arrest if they so chooise *Cha. 1, Par. 1, Sess. 1, Cap. 51.*

For what Debt Burgeses of Burghs Royal may Arrest Strangers, *Cha. 2, Par. 2, Sess. 3, Cap. 8,* where Magistrats of Burghs of Regality are prohibited to Arrest any for Debt, but alienally their owne Burgeses. See the Act in Burgh.

Articles, see Parliament.

The Articles of Perth-Assembly.

These Five Articles concluded in that Assembly Ratified, 1. That the Sacrament of the Lords-Supper, be Celebrat by the People on their Knees. 2. That it be privately Administrat to Persons on Death-Bed, Three or Four being present to Communicat with them, and a place convenient, and all things necessary decently provided. 3. That Baptism when great need shall Compell, be Administrat in priuat Houses, and Declaration made thereof the next Lords-Day in the Congregation. 4. That Ministers Circumscribe all Young Children of Eight Years of Age, and that the Bishops in their Visitations, cause present them to them, and Bless them with Prayer. and 5. That the Days of our Lords Birth, Passion, Resurrection and Ascension, and sending down of the Holy Ghost be observed by the Ministers in Commemoration of these inestimable Benefits. Which Articles are ordained to be obeyed as Laws, and all Laws, and Customs in the contrary.

every Refractor, *Jas. 2, Par. 25, Cap. 1*, but this Act Re-
founded, *W. and M. Par. 1, Sess. 1, Cap. 7*.

Assassination.

That not only all Assassins, but all who shall assert,
That it is lawful to kill any Man upon difference in Op-
inion, or because they have been employed in the Service
of the King, or of the Church as now established, shall
incure the pain of Treason, *Chas. 2, Par. 3, Cap. 15*.

Assembly, see Synod National.

The General Assembly of the Kirk held at Glasgow in
the Year 1638. Declared Unlawful and Seditious, and all
in words and Acts, with all Ratifications thereof, made
void, from the beginning and in all time coming. *Chas.
2, Par. 1, Sess. 1, Cap. 1*. The Act 2. for preservation
of his Majesty's Person, Authority and Government.

Assisors, Assise, or Inquest.

That no Officer of any Countrey, nor Inductor of any
Suit, be on his Assise, under the pain of Ten Pounds to
the King, *Jas. 1, Par. 3, Cap. 50*.

Assisors should swear, That they neither have taken,
nor shall take Meech, or Bribe of any Party, and if any
be given or taken, or any Prayers made to them before
the giving out of their Verdicts, they shall reveal the same
in their Court. *Jas. 1, Par. 13, Cap. 192*.

If any Man be proved by the jurat. Malice or Igno-
rance of an Assise or Inquest of Meechages not being an
Assise or a breve Pleasable, the Assise may be Sum-
moned before the King, and Council: And if the Fal-
shood or Ignorance be proven, That the Verdict be
Reversed, and the Assisors punished after the Law, in the
first Book of the Majesty *contra temerarios jurantes super
Assise*. But if the Complainer be in the Wrong, That he
pay Ten Pounds to the King, and to the Party his Ex-
pences, *Jam. 3, Par. 6, Cap. 43, See Error*.

Assisors in Criminal Causes accusing the Persons
Gurwen before them wilfully, against Notour or Mani-
fest Knowledge, may be called by King and Council, and
inquired if they all agreed, or not, and the Persons Con-
fessing, or Excusing, are Convicted by a great Assise of Twen-
ty Five Noble Persons Cognoscing to the factest Evident,
and Ordained to be Punished after the Law of the Ma-
jesty, for their *Parlamentum Temerarium* but the Deliver-
ance of the foresaid Assise, to stand quoad the Party, *Jam.
3, Par. 8, Cap. 64*.

That

That in the brieve of Inquest, Persons. preſent may be compelled, without Summonds, to paſs upon the Inquest. Council. *Jam, 4, Par, 6, Cap, 94.*

That Aſſiſers may Verify and Prove by themſelves, Inſinuat by the Aſt. *Jam, 4, Par, 6, Cap, 94.*

That in Juſtice Ains, and particular Dyets, the hail Aſſiſers be called, and the abſent Amerciat, to move them to better Obedience. *Jam, 6, Par, 11, Cap, 76.* The Aſt is, the King may purſue all Crimes without the Party, and that the Extract of the Aſt of the Un-lawed be delivered to the Treafurer, within fix Days, that the Un-laws may be Charged for, and taken up without Compoſition. *Jam, 6, Par, 12, Cap, 126.* See the pains of Aſſiſers abſent, in *Peins*. That the Accuſation, Reaſoning, Writs, and Witneſſes, and other Probation, and Inſtruction whatſoever be Alledged, Reaſoned, and Deſtined to the Aſſiſe, in preſence of the Party Accuſed, in Face of Judgement, and no otherway. *Jam, 6, Par, 13, Cap, 90.*

Any Aſſiſer having a Doubt, ſhould propon the ſame openly in preſence of the Parties in Face of Judgement, and after the Aſſiſe have choſen their Chancelour, They ſhould be incloſed in a Houſe by themſelves, and none ſuffered to be with them, or repair to them in any way neither Clerk, nor others, under any pretence or for any occaſion whatſoever, and that the Houſe be kept ſaſt, and they not ſuffered to come out for any cauſe, nor to continue the giving of their Sentence to any other time, but that they be incloſed until they be fully agreed, and return their Answer, and if the Accuſer, Informer, or any Perſon pretend to Inform, ſpeak or repair to the Aſſiſe after their removing and incloſing, or tranſgreſs any point of this Aſt, the Party Accuſed ſhall be pronounced Clean, and this ſhall be a ſufficient Warrant to the Aſſiſours to do the ſame. *Ibid. Cap, 91.*

That the Clerk, nor no other Perſon, be preſent with the Aſſiſe, after they are incloſed, *Item*, That the Chancelour of the Aſſiſe, mark every Aſſiſers Vote, Condemning or Aſſolviſing, on the ſame paper with the Verdict, and to be cloſed and ſealed by the Chancelour, and ſome of the Aſſiſers, and not to be opened, but by order of the Judges. *Cha, 2, Par, 2, Seſſ, 3, Cap, 16.*

Association.

Aſt Ordaining the Association thereinſet down to be Signed by all Perſons in publick Truſt, Civil or Military, and

and the manner and days for Subscribing remitted to the Council. W. and M. Par. 1, Sess. 6, Cap. 3.

Assurance.

That the King's Peace be Assurance to all Men, so that no Man need have Assurance of another. Jam. 2, Par. 6, Cap. 12: The Act is, The Proclamation of General Peace &c.

That none take, or sit under the Assurance of Thieves, or pay them Black-Mail, under the pain of Death and Discheat. Jam. 6, Par. 1, Cap. 21. See it in *Theists*.

That all obliged to Swear the Oath of Allegiance, or to whom the same shall be put, by the Council as they are Impowered, do also Subscribe the Assurance; acknowledging their Majesties in the form subjoined to the Act, or otherwise shall be reputed Disaffected and deprived of all Office, Benefice and Jurisdiction, and obliged to have Security for the Behaviour at sight of the Council as in the Act. W. and M. Par. 1, Sess. 2, Cap. 38. But as to the Assurance, See the Act W. and M. Par. 1, Sess. 4, Cap. 6. in Oath of Allegiance.

B.

Bails.

The manner of takingen by Bails to give notice of Invasions from England. Jam. 2, Par. 12, Cap. 41.

Baillies, see Judges, and Sheriffs.

Bankrupts, see Fraudful Alienations.

Act Impowering the Lords of Session, upon a Process at the Instance of any Creditor having a real Right, to value such Estates as belong to Notorious Bankrupts, and whereof the Creditors are in Possession, and to appoint Commissioners to Sell the same, at the said Rate; or more, and that the Sale be made by a Roup, upon the Intimation set down in the Act, and being reported to the Lords, and Registrar, that it be as Valid, as if made by all Persons having Interest; and that the Price

to be distributed by the said Commissioners among the Creditors, conform to their several Rights and Diligence. Chs. 2, Par. 3, Cap. 17.

This Act altered, and it is declared that the Bonds shall Adjudge by the Decree of Sale, in Favour of the Buyer, who shall be chosen Infant, and that this may be done so soon as it shall be found that the Debtor is utterly Insolvent, whether the Legal be expired or not. Item, If no Buyer be found, the Lands and Estate may be Divided, and the Lords may determine the Value of Liferents, Escheats, and the Lands or Price to be divided among the Creditors according to their Diligence and Preferences. W. and M. Rev. 2, Sect. 2, Cap. 10.

The price of Bankrupts Lands sold may be assigned in the Town of Edinburgh's shews, a Year after the Decree of Sale, and the Town is allowed to keep this assigned Money for a year, from the first term of Court after the finding of the Bankrupt or Mortuaries after the assignation; but then the Money must be made forthcoming on the Lords order under the penalty of 20 per Cent. and of the said Annualrent after the date of the charge. And this Money retained by the purchaser, for a Lifereut may be assigned after the death of the Lifereuter on Intimation to the Creditors. Item, The purchaser paying or consigning as above, is to be exonerated, and the purchase freed of all Deeds of the Bankrupt or his Predecessors, from whom he had Right and his Heirs or Creditors without exception of Minority, have only access to the Receivers of the Price, Referring to Minors their Relief. Item, The Lords may Ordain the Town to be Charged for the Assigned Money, the Creditors Consenting in the said hands their Conveyances in Favour of the Purchaser, And upon Application of the Creditors, the Town may give warrant to imploy the Money on Security for Annualrent. W. and M. Rev. 2, Sect. 2, Cap. 10.

He is declared to be Bankrupt, who being under Imprisoning and Caption, and found by the Verdict of the Lords to be Insolvent, is either Imprisoned or Sent to the Abbey, or other Privileged Place, or Elsewhere Absconded, or who Eludes his Person by Force, which being found by a Decree of the Lords, all Voluntary Deeds made by the Bankrupt, at or after, or in the Space of Sixty Days, before his becoming so in Favour of any of his Creditors, whether in Satisfaction, or for Security shall be Null, And Herein the Rights whereupon Inheritance may follow, granted by the said Bankrupt, are only excluded: as to this case, to be of the date of the Decree, but prejudicial to their

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their Validity as to other Effects. *Item*, Insecurities of Relieff as to Debts to be contracted thereafter, are of Force as to Debts contracted before the Sealin. *Item*, A Fraudulent Bankrupt is not only Infamous *Infamia juris*, but may be farther punished by the Lords of Session, Death excepted, and no dispensing with the Habit, allowed in Sessions, unless the Bankrupts failing through misfortune be Labelled and Proven. *W. and M. Par. 1, Sess. 6, cap. 5.*

Bands, *see* Leagues.

There is mention made in several Acts of Parliament *James 6th*, of a General Band, It seems it hath been a Band for keeping the Peace, and it is Statute, That the pains thereof be divided betwixt the King and the Party. *Jam. 6, par. 15, cap. 270.*

Bonds Privat, *see* Writes.

That all Bands for Sums of Money, bearing Annualrent made since the 16. of November 1641. be understood to be Moveable, unless they bear an express obligation to Insest, or be conceived in Favours of Heirs and Assignyes, (secluding Executors) in which cases, they are declared Heritable, declaring nevertheless, that the saids Bands bearing Annualrent, shall remain in the same condition, *Quoad Fiscum, & Jus Mariti, & Relicta*, as they were before the Year 1641. *Cha. 2. par. 1, Sess. 4, cap. 32.*

Banqueting.

An Act limiting the number of Dishes for every Mans Table, viz. For the Earl or Bishop, Eight; the Lord, Abbot, or Dean, Six, the Baron, Four: A Burgess or other Substantious Man Three: And one kind of Meat in every Dish, under the pain of 100. Pounds, 100. Merks, 40. Pounds, and 20. Merks, Respective: Excepting from this Act Marriages, as also Banquets to be made to Strangers, by Bishops, Lords, Barons, Provosts, and Baillies of Burghs, and none else. *2. M. par. 5, cap. 25.*

That no Persons under the Degree of Barons and Landed Men, worth Fifty Chalder of Victual, or Two Thousand Merks *per Annum*, have at their Table Forreign Druggs, or Confections, and that there be no Banquets at Uplittings, after Baptisms, under the pain of 20 Pounds, to be payed by the Master, and all the Partakers, and Escheat of the Druggs, and that open Doors be made to all Judges Ordinary, for discovering the Offenders. *Ja. 6, par. 7, cap.*

Another Act anent Banqueting and Discharging Con-
fessions under the pain of 1000 Merks. *Ja. 6, par. 23,*
cap. 25.

Act restraining the Exorbitant Prices of Baptisms,
Marriages, and Burials. *Cba. 2, par. 3, cap. 14.*

Baptism.

That none Baptise their Children, but by the Minister
of their own Parish, or by a Licensed Minister upon a
Certificat from him, or in his absence from a Neighbour
Minister, under the pains, every Heretor Lifremer, or
Wodfeter, of a fourth part of his valued Rent, every
Person above the degree of a Tennent, and every consi-
derable Merchant, 100 Pounds, every inferiour Merchant,
or considerable Tradisman, and every Tennent 50 Pounds,
every meaner Burgeiss or Cottar 20 Pounds, and every
Servant of half a Years Fee, and the Execution is com-
mitted to Sheriffs, Stewarts, Lords of Regality, and
Magistrats of Burghs, who are allowed all the Fines,
except these of Heretors, for which they are made Compe-
table to the Thesaurer. *Cba. 2, par. 2, Sess. 2, cap. 6.*
And this Act and the Pains thereof, extended to such as
keep their Children Un-baptised for the space of thirty
Days together, or produce not a Testificat under the Mi-
nister of the Parish his hand, or if the Kirk be Vacant un-
der a Neighbouring Ministers hand, that the Children
were Baptised within the said space. *Ibid. Sess. 3, cap. 11.*

The Exorbitant Expences of Baptisms restrained.
Cba. 2, par. 3, cap. 14.

Barratry.

That no Clerk, Religious or Secular, pass out of the
Realm, except he make Faith that he shall do no Barra-
try, and have Licence of the Lord Chancelour, or his
Ordinary, and he that does in the contrary, or makes
Barratry, that he be liable to the Statute against havers
of Money, out of the Realm. *Jam. 1, par. 7, cap. 107.*
See Benefice.

That none sue or desire Title, or Right of the Pope, or
his Sect, to any thing in the Realm, under the pain of
Barratry, That is Banishment, and Infamy, and that no
Bishop or Prelate, use any Jurisdiction by the Popes Au-
thority under the said pain, and Barratry may be tried be-
fore the Justices or Lords of Session. *Jam. 6, par. 1,*
cap. 2.

To Traffique Abroad against the True Religion, in-
curses

curres the pains of Barratry, See James 6, par, 6, cap. 71. *in Religion.*

Barons.

Ratification of all Priviledges granted to Noblemen and Barons. Jam, 6, par, 1, cap, 25.

Barony.

Annexation of Lands to Baronies, exempts them not from the Sheriff Courts, and Justice Ains, where they lye, but only obliges them to Presence, and Service in the place whereunto they are Annexed. Jam, 4, par, 6, cap, 93.

Magistrats of Burghs of Barony, may Arrest none for Debt, but their own Burgeses. Cha, 2, par, 2, Sess, 3, cap, 8.

The Liberty and Priviledges of Burghs Royal, as to Trade. See in Burghs, and Cha, 2, par, 2, Sess, 3, cap, 8.

Bees, see Hyves.**Beggers.**

That no Begger betwixt Fourteen and Seventy Years be choiled to Beg, unless they have a token that they cannot win their own Living, in Landward, of the Sheriff and in Burghs, of the Bailies, otherways to be burnt at the Cheek, and Banished. Jam, 1, par, 1, cap, 25, Ratified Jam, 4, par, 6, cap, 70. Item, That the Magistrats and Sheriffs negligent, pay Fifty Shillings to the King. Jam, 1, par, 2, cap, 42.

That no Begger born in one Parish, be choiled to Beg in another, and that tokens be made by the Head-Men of ilk Parish for that effect. Jam, 3 par, 4, cap, 22.

That in Burrows the Chamberlain in his Ait, shall ilk Year inquire, if the Alder-Men, and Bailies have kept the Statute: of Beggers, and the Breakers to be punished in 40 Shillings to the King. Jam, 1, par, 7, cap, 104.

Ratification of the Acts anent Beggers, containing particular Orders for Repressing idle Vagabounds, and Relieving such as are truly Unable and Poor. Ja, 6, par, 5, cap, 74. See Poor.

And this again Ratified, with a Commission to Justices in that part, for Execution of it, in case the Judges Ordinary be Remiss, or Negligent. Jam, 6, par, 22, cap, 147.

The Act against Strang Beggars, Vagabounds and Egyptians, again Ratified, and they and their Bairns, be employed in common Works, and their Service mentioned in the Act. *Ja, 6, par, 6, cap, 74.* It is Prorogated during Life, and the power of Executing the said Act, granted to Kirk Sessions. *Jam, 6, par, 25, cap, 268.*

Item, All these Acts Ratified, and that the Kirk Session be assisted by one or two of the Presbytry, and that both they, and the Sessions, put the saids Acts in Execution, under the pain of Twenty Pounds. *Jam, 6, par, 16, cap, 19.* The Acts *Ja, 6, par, 6, cap, 74.* and *par, 15, cap, 268.* specially Ratified *Cha, 2, par, 1, Sess, 3, cap, 16.*

Act Establishing Correction Houses in the Burghs therein named, for idle Beggars and Vagabounds. *Cha, 2, par, 2, Sess, 3, cap, 18.* See *Peer.*

Drinking Beir.

Twenty Shillings of Custom imposed on every Tun of Drinking Beir, brought in to the Realm. *Jam, 6, par, 13, cap, 179.*

Benefice, and Beneficed Persons, *see* Dilapidation.

That Benefices purchased at Rome, by such that were never thereat before, be of none avail: and that no Benefices be unite to Bishopricks, Abbacies, or Priories, And that such Unions be Null, and the Purchasers punished as Traitors. Except that Lords and Barons, may purchase the Annexation of any Benefice, to Secular Colledges: *Item,* That there be no higher Taxation of Benefices, but as the old use and custom was, and as is contained in the old Taxation of Bagimont. *Jam, 3, par, 6, cap, 44.* And this last part anent the Taxation of Benefices Ratified. And that the Attempter in the contrary, of a Spiritual Person be unable to buyik Benefice, and if Temporal Time Life and Goods. *Jam, 4, par, 4, cap, 39.*

Item, That none support, or supply with Money, the saids unlawful purchasers of Benefices. *Jam, 3, par, 11, cap, 86.* The Act is, contrary the Purchasers of Benefices against the Kings Priviledge.

That no Clerk purchase Benefice belonging to the Kings Presentation, the Seige vaiking at Rome, under the pain of Proscription and Treason. *Jam, 4, par, 1, cap, 4.*

That Prelacies, Abbacies, and other Benefices, remain and be Disposed within the Realm, as in King James the first's time, under the pain of proscription against such

such as do in the contrary. *Jam. 4 par. 4, cap. 38. Item, That ditty be taken on the breakers of the saids Acts. Ja. 5, par. 7, cap. 119. See the Acts against Clerks, or Spiritual Men their passing forth of the Realm, in passing forth of the Realm.*

That all Gifts of Benefices Elective, or Pensions Disposed by the Queen, since the Parliament 1568. To the Kings Coronation, be as valid, as if granted by the Pops Bulls, but prejudice of the Act of Council, went the leaving to Ministers, all Benefices within Three Hundreth Marks Yearly, and of laick Patronages. *Ja. 6, par. 1, cap. 20. And the Commissioners are ordained to minister Justice on the saids Gifts; And sicklike on Gifts to be granted by his Majesty in time coming, Ibid. cap. 28.*

That all Prelats, and Possessours of Benefices at his Highest Gift; give up just Inventory of the two parts thereof, conform to the first Assumption of thirds, otherways their Benefices to vaik. *Ja. 6, par. 15, cap. 244. See Thirds of Benefices.*

No Beneficed Person under a Prelat, may set longer Tack of Teinds, or others belonging to his Benefice, than for Three Years, without the consent of the Patron. *Ja. 6, par. 14, cap. 200. See Patron.*

That no Prelats set in Tack, any part of their Patrimony, for longer space than Nineteen Years, and no Inferiour Beneficed Person, for longer then their own Lifetime, and Five Years thereafter, under the pain of Deposition, and that all Tacks otherways set, for discovery thereof be Redigible within 40 Days, else are Null; Excepting from this Act, all Tacks, by vertue of the Commission for Plantation of Kirks, granted in this Parliament. *Ja. 6, par. 22, cap. 4. As also it is declared, That the Inferiour Beneficed Persons must have the consent of the Patron to his Tacks, conform to the said Act. Ja. 6, par. 14, cap. 200. Ja. 6, par. 23, cap. 15.*

Bestial, or Cattel.

That no Cattel be sold out of the Realm. *Ja. 3, par. 4, cap. 29. See England.*

That Slayers or Hechers of Oxen, or other Cattel be punished as Theives. *Ja. 6, par. 7, cap. 110.*

See the Act in Horse, and how it is Limited and Extended. *Ja. 6, par. 11, cap. 32.*

Act Ratifying all Acts made against the Transporting of Sheep, Nolt, or other Camel, young or old, forth of the Realm, Impowering any that finds them driving to say them, and keep the Drivers of those to an Assise, before

the Justice of Sheriff of the Bounds where they shall be apprehended, whom His Majesty makes Justices in that part, for trying and hanging of the Offenders, and escheating their Moveables, half to the King, and the other half betwixt the Judge and the apprehender. *Ja. 6. Par. 7. cap. 124.* Item, Sheep and Nolt forbidden to be transported to England, or sold to English-men who transport the same, under the pain of Escheat thereof, and of the whole other Moveables of the actual transporters: And also of the causers and sellers thereof to be transported, half to the King, and half to the Apprehender, and Wairding for six Moneths, and otherwise at the Kings Will, Annulling all Licences granted, or to be granted in the contrary, *Ja. 6. par. 12. cap. 149.*

Bestial, That is, Nolt, Sheep, or Swine, may be exported by Sea, free of Custom or Bullion for 19 years. *Car. 2. par. 1. Sep. 3. cap. 12. Anno 1663.* The Act is for encouragement of Tillage and Pasturage.

Bible.

That all Householders have Bibles, and Psalm Books *Ja. 6. par. 6. cap. 72.* See it in *House-holders.*

Birn, see Skin, and Birn.

Bishops, see Benefice, Dilation, and Prelacy.

Bishops, Abbots, and Priors set down in order before Earles, Barons, in the Latine Titles of the Sixth, Seventh, and Eighth Parliaments *Ja. 1.* and before Dukes and Earles *Ja. 1. Par. 7. cap. 101.* And *Prelati* before Barons, *prelates*, *Ja. 5. Par. 1.* In the Latine Title, That Bishops inquire of Heresy *Ja. 1. Par. 2. cap. 28.* That no Bishop, nor Prelate use any Jurisdiction by the Popes Authority, under the pain of Banishment, and Infamy. *Ja. 6. par. 1. cap. 2.*

That all Bishopricks be disposed by His Majesty, to able Preachers and Ministers in the Kirk. *Ja. 6. Par. 15. cap. 231.* The Act is, all Ministers provided to Prelacies, should have Vote in Parliament.

The Estate of Bishops restored to their Bishops, *Prebends*, Livings and Rents, as the same was in the reformed Kirk, most amply before the Act of Amendment 1567, and this Act of Amendment, and all other Acts touching to the said Estate restored, providing, nevertheless, that Bishops entertain their Ministers upon the same. And

Acts of Parliament.

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but prejudice to their Fews and Tacks-uten, they emitt-
ing by the Bishops, and paying the composition appointed
in the Act. As also, excepting Fews lawfully set and
confirmed before the said Act of Annexion: And all Dis-
positions of Patronages disposed by the Titulars, and His
Majesty, providing they be ratified in Parliament: And
all common Kirks pertaining of old, to Bishops and their
Chapels in common, disposed by His Majesty before the
late heretofore: As also, excepting the Castle of St. Andrews
and Yard thereof, to the Earl of Dunbar, and the Lands of
Mountrail and Lettern, with the Mannor place, and Patro-
nage of the Kirk of Mountrail to Sir Robert Melville: There
is also an exception from the foresaid composition appointed
to be paid by Fews, in favour of the Fews of the Arch-
Bishoprick of Glasgow. Ja. 6. par. 12. cap. 2. Act giving
liberty to the Bishops to set Tacks long, or short, as they
please without restraint: Only it is recommended that the
duty be competent; and the duty of the said Tack, is or-
dained to be the Rental, not to be diminished: And the Bi-
shops are ordained to give in sufficient Rentals of their Be-
nefices, within a year after the date of the Act, to the Clerk
Register, under the pain of a Thousand Marks: Which
Rentals are to remain in their integrity in all time com-
ing; that the Ministers may be the more assured, of their
Benefts, so be appointed forth thereof: And the Act an-
nulls all Acts and Laws made, or to be made, whereby any
Beneficed person is, or may be lyable to set Tacks of
Things that may subsist in Law. And, cap. 9. But Bishops
and all other beneficed persons are again limited in their
Tacks, to a certain number of years. Ja. 6. Par. 13. cap.
17. See the Act in Session.

A Bishop refusing a Testimonial to a Pedagogue, in the
case in the Act, may be called before the Council; and if
he satisfy not the Council, they may give one. Ja. 6.
Par. 10. cap. 1.

The Commissioners restored to Bishops, with power to
them to appoint Commissioners, and clear Clerks, and all
other Members of Court and the Quotes of Testaments are
ordered to be paid to the Bishops, and Letters to be de-
posed on their Commissioners sentences: As also to charge
persons to confirm Testaments, as formerly: And all for-
mer Commissioners are discharged without prejudice to the
Bishop of Glasgow of all Testaments Right of the Commissioners
within Ja. 6. Par. 10. cap. 6.

The Bishops have right to moderate in their discretion
the, under by themselves, or by a Minister of the house
appointed by them. That no sentence of Excommunication

or Absolution be pronounced, but by their direction to the Minister of the Paroch where the offender dwells, That all presentations be directed to the Bishop of the Diocese, to whom also the *jus devolutum* in case of the Patrons neglect, is declared to belong: And in case the Bishop refuse, to admit the Minister presented, the Patron retains the fruit of the Benefice, and either he or the Paroch may complain to the Arch-Bishop. And if he also refuse, the complaint lyes to the Council, who finding the Bishop reasons insufficient, may direct Letters of Horning, charging him to doe his duty: *Item*, If the Bishop, by Oath of party, or otherwayes find, that the Minister hath made a simoniacal pacton with the Patron, to the hurt of the Benefice, he may refuse him: (See *Simony*) The Bishop allowing to himself the Ministry of the bounds, hath power upon tryal, to depose or suspend Ministers, That the Bishop by himself, or a worthy Minister of his Diocese, make his visitations. And lastly, That the Meetings of the Ministers for exercise, be moderated by the Bishops, or such as they appoint, which articles being concluded upon at the Assembly at Glasgow, Anno 1610. are all ratified, and ordained to be observed as inviolable Laws. And the Act Ja. 6. Par. 12. cap. 114. (see it in *Kirk*) and all other Laws and Customs, in so far as they are contrary to this premisses are rescinded. Ja. 6. Par. 21. cap. 1.

That Bishops be Elected in this order, upon the Vacancy, His Majesties Licence is to be expedie, and then an Edict to be affixed on the most Patent Door of the Cathedral, charging the Dean and Chapter, to convene for Electing, who, so many as shall be convened, shall chuse the person named by the King (he being an actual Minister, and no otherwayes. And this being testified under their Seals, His Majesties assent under the great Seal, shall be sufficient Title to the Spirituality, during the Elected his Life: And thereupon, and on his Highness mandar direct to a competent number of Bishops within the Province, this person elected shall be consecrat, and then he shall have his Majesties grant of the Temporality under the great Seal, for which he shall first do homage, and Swear the Oath of Allegiance and Fidelity, before he intromet. And the Lords of the Session are not to authorize any Bishops Provision, unless he be thus entered. Ja. 6. Par. 32. cap. 1. And allowing Bishops and Members of Chapters to let Lands holden of them, by service of Ward and Relief, in Fee-farm for a competent duty, answerable to the returned duty of the Lands, if returned, or if not, of Lands of the like value in the Countrey, and doubling the same at the entry of

the Air: And this Act ordained to be in force for three years *Ja. 6. Par. 23. cap. 9. Anno 1521.*

His Majesty and the Estates of Parliament finding Episcopal Government to be the most agreeable to the word of GOD, effectual for preserving of Truth and Unity, and suitable to Monarchy, and the publick peace, Redimegrat the state of Bishops to their Ancient Rights and Places, and restore them to the Exercise of their function in the Church; Power of Ordination, Censures and Discipline, to be performed by them, with advice of such of the Clergy as they shall think fit: Ratifying all Acts formerly made in their favours, and all Acts in the contrary, And for Presbyterian Government, specially the Act *Ja. 6. Par. 12. cap. 114.* are rescinded. *Item,* They are restored to their Commissariats and Quots according to the Act, *Ja. 6. Par. 20 cap. 6.* But prejudice to the present Commissars and their Clerks and Fiscals, of their places. *Item.* All Gifts and Deeds past by whatsoever Authority to their prejudice, since the year 1637 are made void, and they are repossessed for the year 1661. As they possessed in the year 1637. But all entries of Vassals, Retourrs, Signators, Infeftments, granted by the King, or any having Right from him, or the Authority for the time, of Lands and others holden of the Bishops, in the time of their Interruption, are declared not to be prejudged, providing this be not extended to any new Gift, or Original Right, otherwayes granted then preceeding the year 1638. It being His Majesties Intention, that the Bishops should be in the same case and condition as in the year 1637. But the Bishops, or their Heirs or Executors, are declared to have no Right to the Rents betwixt the year 1638 and 1661. In prejudice of such who had Right for the time: And also those that have made payment of bygone Rents of the said Bishopricks, are secured thereanent. *Char. 2. Par. 1. Sess. 2 cap. 1.* Ratified. *Ibid. Sess. 3. cap. 2.* The Act is against separation, and disobedience to Ecclesiastical Authority: But rescinded *W. and M. Par. 1. Sess. 2. cap. 5. and 27.*

Act anent Suspensions of Bishops Rents. See in *Suspensions.*

Blackmaill.

That none take, or sit under the assurance of Theives, or pay them Black-maill, under the pain of Death, and Escheat of their Moveables. *Ja. 6. par. 1. cap. 21.*

That Dittay be taken up of both Takers and Payers of Black-maill, and Justice done on them, according to Law, and

and sovereignty of them to obtain in time coming. *James 6. Par. 11. Cap. 102.*

Blanch Holding.

That the Kings Vassals holding Blanch, be only lyable in their Blanch Duties, if the same be required allently, and no wayes be charged with Sums of Money as the prices thereof. *James 6. Par. 12. Cap. 14.*

Blasphemy.

That whosoever not being distracted in his wits, shall rail upon, or curse GOD, or any of the persons of the Blessed Trinity, and obstinately continue therein, be prosecuted before the Chief Justice, and being found guilty, punished with Death: And this Act is drawn back to the 17 of Feb. 1649. *Chas. 1. Par. 1. Cap. 22.*

This Act Rectified, And farther; Whoever, in discourse, or writing, shall deny, impugn, or quarrel, argue, or reason, against the Being of GOD, or any of the Persons of the Blessed Trinity, or the Authority of the Scriptures, or the Providence of God, shall be punished gradually, and for the third fault, by Death, by the Lords of Justice, *As in the Act. W. and M. P. 1. Sess. 1. Chas. 22.*

Boll. *see* Metts, and Measures. Books.

Act discharging the Custom of Books, marked amongst the unprinted Acts. *Chas. 2. P. 2. Sess. 1. Books Erroneous forbidden. See Religion.*

Borders. *see* England, and Highlands.

Act near the Border-Rivers of *Annand* and *Forth*. *See Salmon.*

Act discharging all Decrets of Ejection and removing obtained in the Borders Twenty years before King *James* His succeeding to the Crown of *England*, Except allently as to the obtaining of Possession, and the ordinary profits, since the Kings going to *England*, And it is provided, that upon charges given, after the date of this Act, the same be obeyed, otherwayes the person denounced for his Disobedience, to amit the benefite thereof. *James 6. Par. 12. Cap. 9.*

Act against reset of Fugitives, from the Borders to the In-Countries, and that none born or long habitant in the Borders, be reset in the In-Country, without a Testimonial of the great Commissioner of the Borders, and that none forge, or use a false Testimonial; under the pain of Death. *Jam. 6. P. 20. Cap. 10.*

The Borderers Especially within *Berwick, Roxburgh, and Drumfries* Shires, and Stewarty of *Annandale*, are discharged of all Actions (Decrets already obtained being still excepted) of Spuilzie, or wrongous intromission, for any thing done, before King *James* his succeeding to the Crown of *England*: And also of all Criminal Pursuits intended, and to be intended, for whatsoever Crime importing life, committed before the said time: without prejudice nevertheless to the Kings Advocate, Justice, and Commissioners, to pursue the same as accords. *Jam. 6. P. 22. Cap. 6.*

Borh.

The form of finding a Borh in Court *Jam. 1. Par. 9 Cap. 115.* And he who recounters a Borh, and absents thereafter, tines the Actions. *Ibid. Cap. 118.*

Borrows, see Law-Borrows, Bounds, and Marches.
see Infestment.

Brandy.

Act allowing Brandy to be imported and that it be lyable to 80 pounds per Tun of Custome, and six pence per pynt of Excise, to be payed by the Retailer; And this Excise to be applyed for the releif of the Annuity of Excise in Shires or Burghs where Brandy is retailed. *Chas. 2. Par. 2. Sess. 4. cap. 2.*

Bread.

The Privy Council should set down the price of Bread, according as the Wheat rules. *Chas. 2. Par. 2. Sess. 1. Cap. 15.* The Act is, for regulating the prices of Ale, &c. Act ordaining Bread and Butchering to be sold by weight. *Car. 2. Par. 3. cap. 24.*

Breadth

Breadth.

Of what breadth Droggats, Linnen, and Stuffs should be. *Char. 2. par. 3. cap. 12.* The Act is for Encouraging Trade and Manufactories.

Brieve.

That no exception avail against the Kings Breives holding the old form, and unrased, or blobed in the name and Sur-name of the follower, and Defender, The name of the Land, cause, and date. *Jam. 1. Par. 9. Cap. 114.*

The old form of serving the Breive of seafing, and of breaking of seafing. *Ibid. cap. 127.*

Order anent Breives pleadable, according to the old from of process. *Ja. 3. P. 6. Cap. 41.*

That Exceptions be not proponed against the Breive of Inquest, as against a Breive of Plea, but only Exceptions against the Judge, Inquest, and that of Bastardy. *Item.* persons present, may be compelled without Summonds to pass upon the Inquest. *Item.* The Breive should be cryed openly in plain mercat, or on an oulk day, sua that the officers of the Town and six more be present *Jam. 4. Par. 6 Cap. 94.*

That Breives, for serving to Lands, within the Stewartries of *Syrathorne*, and *Monteith*, be proclaimed at *Perris*, For lands within the Stewarty of *Fife*, at *Cowper*; within the Bailliaries of *Kyle*, *Carrick*, and *Cuninghame*, at *Air*, within the Stewartries of *Kirkcudbright* and *Annandale* at *Drumfries*, But that they be alwayes served within the Tolbooth of the head Burgh of the Shire, Stewarry or Bailliary as of before. *Ja. 6. par. 11. cap. 60*

Brewers, *see* Maltmen.

Bridges, *see* Wayes.

The Council may lay on moderat Customs at Bridges, for upholding thereof. *Car. 2. par. 2. Sess. 1. cap. 16.* See the Act in *Wayes*.

Broom, *see* Planting.

Buchanan.

That *Buchanans* Chronicles, and *de Jure Regni* and *Scots*, be brought in by the havers, to the Secretary, within 20 dayes after the publication of this Act, under the pain of 200. pounds, to the effect, they may be be purged of certain offensive, and extraordinary matters therein contained.

trained. *Ja. 6. Par. 8. Cap. 134.* The Act is, ancient Stand-
ers of the King, his Predecessors, &c.

Buirding.

That every Prelat, Lord, and Landed Gentleman, make his ordinary dwelling at his own house with his Family; and that they forbear to buird themselves in Burrows, ale houses, or their own houses, under the pain of 500 Merks, the Lord or Prelat, 300 Merks, the great Baron; and 200 Merks ilk other landed Gentleman, for the Kings use. *Ja. 6. Par. 7. Cap. 116.*

Bullion, see Cunzie or Coynage.

That soverty be found to the Customers of the Ports for goods exported, to bring home the Quantities of Bullion mentioned in the Act. *Jam. 1. Par. 13. Cap. 143.*

The quantities of Bullion again appointed, and that the Customers make compt thereof yearly in Exchequer. *Ja. 3. Par. 7. Cap. 31.* And their Acts ratified: And that the Merchand have Twelve Shillings for ilk Ounce of burnt Bullion from the Cunzier, and that of ilk Ounce be made Twelve Groats. *Ja. 3. Par. 1. Cap. 65.* And *Jam. 6. Par. 7. Cap. 107.* That there be brought home for Bullion four Ounces of burnt Silver of ilk Serplaitch, or Eighty stons of Wool, or Last of Salimond; And that the Merchand have Ten of the Fourteen Penny Groats for ilk Ounce. *Ja. 3. Par. 13. Cap. 95.* The same Ratified, and that Compt be made of the Bullion yearly in Exchequer. *Jam. 4. Par. 1. Cap. 1. and Par. 2. Cap. 14.* And that the Cunzier give for the Ounce of burnt Silver Eleven Shillings Six Pennies. *Ibid. Cap. 17.*

Act Ratifying the Acts about Bullion, That soverty be found for bringing it home equivalent to the Goods transported, That it be Compted for yearly in Exchequer, and defalcation given to the Merchant, If any loss of Goods happens him, And that for every Ounce of utter fine Silver, the Cunzier pay to the Merchant Fourty Shillings and make Compt for the profit to the King. *Ja. 6. Par. 7. Cap. 107.*

Ratification of all Acts about the Home-bringing of Bullion. And that the Thesaurer, and his Deputes Compt therefore yearly in Exchequer. *Ja. 6. Par. 14. Cap. 203.*

That for the Ounce of Bullion Twelve Deniers fine, which the Merchand are obliged to bring home, They have

have an Ounce of his highness own Coyne of Eleven Deniers: And of all other Bullion that they shall voluntarily bring in, the Thirtieth penny only to be retained to His Majesties profit. *Ja. 6. Par. 15. cap. 249.*

That all Forreign Cuprie be made use of only for Bullion, and that the Officers of the Mint make a Table of the prices thereof. *Id.*

Commission given to the Lords of Council for taking order about the home-bringing of Bullion, and discharging the transport of Gold, Silver, and forbidden Goods, under such pains Corporal and pecuniary, as they shall think fit. *Ja. 6. Par. 15. cap. 9.*

That all Commodities Lyable in payment of Bullion, pay according to the Alphabet set down in the Act. That the Customers with the concurrence of the Clerks of the Cocquet, cause every Merchant Native, by Forreigner, Exporter of the saids Commodities, find Sicker, Swarty, or give Pledges, that the due Bullion be delivered to the Officers of the Mint, and that of Forreign Bullion, either Ware or burnt Silver, Twelve Denier Fine, and being hester to be made up by weight, And that none of His Majesties, or His Predecessors Coyne, or any other satisfaction be received for the said Bullion, under the pain of Deprivation of the Customer, or Clerk of the Cocquet, And farther punishing in their Persons and Goods at the Privy Counsaills discretion: And who shall discover such collusion, shall receive a third of the value of the Bullion, to have been payed by the Merchant, That the Customers be controlled by the Receipts of the Officers of the Mint, and be answerable for the surplus: And that they give the Merchant convenient time, the longest not exceeding seven Months, for Home-bringing of the Bullion, And lastly that the foresaid Alphabet be of force from the date of this Act: And all Commodities hereafter exported lyable accordingly, without respect to any other made, or to be made in this Parliament. *Car. 2. Par. 1. Sess. 1. cap. 17.*

But all Native Commodities and others Exported forth of the Kingdom, are Discharged of the payment of Bullion, and the same Imposed on Goods Imported, and at the Rates specified in the Act: Which Rates the Merchant is to pay to the Officers of the Mint, at the Importing of Twelve Shillings Scots for ilk Ounce, to the Collector of the Port: Redemable always within 40 Days upon payment of the Bullion: And for every Ounce of Bullion Twelve Penny Fine, the Merchant is to get back Three Pound Ten Pennies Scots, and of Eleven Penny Fine, Fifteen Shillings Nine Pennies, and so forth, and all

Customers without Office, are declared accountable to the Officers of the Mint, for the said Bullion or Printed Chart, and are bound to give in Accounts of the same for the said Commodities Imported, and that upon Each Yearly to the Exchequer, and so produce the Merchants Subscribed Entries: And the Officers of the Mint, are obliged to Import the Stock of Bullion themselves, for the said Prices they shal Receive, and to Coin the same in his Majesty's Coin. And as A6 made or to be made in Favour of Manufactures or others, shall exempt the said Goods Imported from the said Bullion. *Char. 2, Par. 2, Sess. 1, Cap. 7.*

The A6 Annulled and Altered, and for supporting the Charges of a free Coinage, and paying the Officers of the Mint, the Parliament gave to his Majesty, Twelve Shilling Stere for each Ounce of Bullion Imposed by the said A6, and this Imposition Annexed to the Crown, and appointed to be Collected, and kept separately in manner set down in the A6. *Jan. 7, Par. 11, Sess. 2, Cap. 24.*

Burghs, see Craft, Merchant, and Trade.

That in all Burghs there be Eight, or Twelve Persons, after the quantity of the Town, chosen of Secret Council, and Sworn thereon, to decide matters of Wrong or Unlaw to the Avail of Five or Eight Pounds, within Eight Days waiting. *Jan. 4, Par. 11, Cap. 16.*

That no Man in Burgh be found in Man-Rent, nor Ride in Robbe, in Feir of Wait, with any but the King, and his Officers, or the Lord of the Burgh, and that they Purchase no Lordship in Oppression of their Neighbour, under pain of Confiscation, and their Lives to be in the Kings Will. *Jan. 2, Par. 14, Cap. 77. Ja. 4, Par. 3, Cap. 34, and Jan. 5, Par. 4, Cap. 28. See Leagues.*

That all Merchants be Free-men Indwellers in Burghs. *Jan. 3, Par. 2, Cap. 11, See Merchants.*

That Officers in Burghs be not continued farther then a Year, that the Old Council first choise the New; And then both Old and New choise the Officers: And that ilk Craft have Vote in the Election of Officers, by one to be chosen by the Craft Yearly; And that no Captain, nor Constable of any Castle, may bear Office in the Town. *Jan. 3, Par. 5, Cap. 30.*

In all Burghs Four of the Old Council should be chosen Yearly to sit with the New, notwithstanding of the Preceding Act. *Jan. 3, Par. 7, Cap. 33.*

That the Election of Officers in Burghs be without Partiality, or Malice. *Jam. 3, Par. 14, Cap. 108.*
 That all Officers in Burgh, be changed Yearly, and that they be Persons using Merchandise within the Burgh. *Jam. 4, Par. 6, Cap. 30.* Honest and Substantial Burgesses, Merchants and Indwellers thereof, under the pain of Tinfel of their Freedom, who does in the contrary. *Ja. 5, Par. 4, Cap. 26.*

That none be capable of the Magistracy, or any other Office within Burgh, except Merchants and actual Traders within the said Burgh otherwise, and no others. And that the saids Magistrats and Commissioners of Burghs to Parliament, Wear such decent Apparel in all Solemn Occasions, as his Majesty shall prescribe. *Jam. 6, Par. 30, Cap. 8.*

That the Commissioners of Burrows Convene Yearly in *Inverkeithing*, the morn after St. James Day, to Treat about the Well-fare of Merchandise and their own common Profit, and the Burgh about to pay Five Pounds to the cost of these present, and that Letters be direct thereupon. *Ja. 3, Par. 14, Cap. 111.*

That all Ships, Strangers, and others, come to Free Burrows, and there make their Merchandise, and that Strangers buy no Fish, but Salted and Barrelled, and they make no Merchandise at the Lavers, and that no Subject take Ships to Fraught in Defraud of the King, under the pain of Tinfel of Life, and Goods, and Strangers Concerning Time Ship, and Goods. *Ja. 4, Par. 1, Cap. 3.*

This Act Ratified, and farther, That none buy from the saids Strangers, but from Freemen, at the Fair of the saids Burrows, under the pain of Tinfel of their Moveables. *Q. M. Par. 6, Cap. 29.* But this Act is called an Act against Liberty of Merchants at the West-Sea, And these Acts again Ratified, and that Strangers neither buy, nor Sell, any Merchandise, but at Free-Burrows, and with Freemen. And that none conduct, Fraught, or Pilot any Strangers to the Isles, under the pain of Tinfel of Life, Lands, and Goods. *Ja. 6, Par. 7, Cap. 120.*

That Strangers Merchants, Lodge in the Free-Burrows or principal Towns of the Ports where they Arrive, and that their Hosts give an account to the King of their Goods, inward, and Outward. *Ja. 4, Par. 4, Cap. 41.*

That there be sickenlike Process for Recovering of Annuals, at the Fourth Court in the Burgh of Perth, and in other Burghs as in *Edinburgh*. *Ja. 4, Par. 2, Cap. 20.* But this manner of Process is in disuse.

That

That the Common-Guild of all Burrows, be spent for their Common Profits, by the Advice of the Town-Council, and Deacons of Crafts, where they are, and that the Chamberlain enquire into this Yearly. And that the Rents of Burrows be not set, but for Three Years alternately, under pain of Nullity. *Jam. 4, Par. 3, Cap. 25.*

Ratification of the Privilege of Burrows, and that none Dwelling out of Burrows, use Merchandise, nor Tap, nor Sell, Wine, Wax, Silk, Spicery, Woad, nor sicklike Stuff, nor Staple Goods, nor Pack, nor Fell in *Leith*, or other places, ourwith Burrows, under the pain of Forfeiture of the Guild. *Jam. 4, Par. 6, Cap. 26.*

That Commissioners, or Heads-men of Burrows be warned to the giving of Taxes, at an of the Three Estates. *Ibid. Cap. 27.*

That no Neighbour in Burgh, Usurp against the Officers thereof. *Ibid. Cap. 27.* That none House Wool, Hides, nor Skins, in *Leith*, or other places ourwith Burrows. *Ibid. Cap. 28.*

That Magistrates of Burghs bring Yearly to the Exchequer, their Compt Books of their Common-Guild, under the pain of Tinfel of their Freedom, and that Fifteen Days of before, they warne all that pleases to come, and Object against their Accompts. *Jam. 5, Par. 4, Cap. 26.*

That no Earl, Lord, Barron, nor other molest Burrows, their Officers, or Merchants in using their Liberties, under the pain of Oppression. *Ibid. Cap. 27.*

That no Man Pack, nor Fell Wool, Skin, or Hide, or Look, nor Laid outwith Free-Burghs, and Priviledges thereof. *Jam. 5, Par. 7, Cap. 107.* Item, That no Persons Strangers, or Inhabitant within the Realm, Pack, or Fell any Hides, or Skins in the Isles, ourwith the Free-Burghs, under the pain of Tinfel of the saids Hides, or Skins, and the Sherriffs, and Over-Lords of the Land where the same is done, are Ordained to put the Act in Execution. *Jam. 6, Par. 23, Cap. 12.*

He that Times the Cause within Burgh, payes the Winners Expences. *Jam. 5, Par. 7, Cap. 112.* And also Twelve Pennies per Pound to the Poor. *Ja. 6, Par. 6, Cap. 91.*

That the Officers of Burghs, have the only power to punish Fore-Stallers within the same. *Jam. 5, Par. 7, Cap. 112.* Renewed, but the power of Accusing (because of the Negligence of Burrows) given also to the Thesaurer, or his Majesties Advocat. *Ja. 6, Par. 12, Cap. 148.*

That Burrows have an Universal Weight. *J. 5, Per. 7, Cap. 12.*

That the Officers in Burghs search, and apprehend all Hoovers of False Money, or Counterfeiners of the Kings Irons, for Cuins. *J. 5, Cap. 12.*

That Magistrates of Burghs, cause Descents, Crafts-men, and Hostellers, Set and take reasonable Prices for their Work, and Victuals, or else deprive them of their Office, and Privilege. *2. M. Per. 5, Cap. 23.*

That the Privileges of Burrows and Burghs, and that Letters be direct upon their Privileges, and Act of Parliament made thereupon without calling any Party. *2. M. Per. 6, Cap. 42. Per. 9, Cap. 16, Jam. 6, Per. 1, Cha. 26. Per. 5, Cha. 64. Per. 6, Cha. 85, and Per. 19, Cap. 5.*

That all Common high Gates, to and from Free-Burrows, and to and from Dry-Burrows, from and to Sea-Ports, next Adjacent, be kept, and no Stop made there-until, under the pain of Oppression. *2. M. Per. 6, Cap. 53.*

Ratified, and Ordaining such as shall stop or Impede the same, to be Charged Summarily on Six Days, before the Lords of Session, (as only Judges thereto appointed) to be Decerned to have done Wrong, and to desist, and find Caution for that effect, under such pains as shall be modified, half to the King, half to the Party Grieved, and the Probation to be by Famous Witness, and not by Affis. *Jam. 5, Per. 12, Cap. 156.* As in Favours of Burrows of the West, Discharging unwarrantable Exactions of Fishes in Loch-Fine, and other Lochs of the Isles. They bringing their Fishes within this Realm, for Serving the Country alienarly, under the pain of Oppression. *2. M. Per. 6, Cap. 54.*

That none make private Conventions, put on Armour, Display Banners, or Sound Trumpet, or Talbron within Burgh without the Queen and the Magistrates Licence, under the pain of Death. *2. M. Per. 9, Cap. 83.*

Ratified, and that none Convoce or Assemble within Burgh, except they have Licence of the Magistrates, and that they do nothing in their Meeting against the Acts of Parliament, and Quiet of the Burgh, otherways the saids Meetings, are declared Seditionous. Item, All the Inhabitants are Ordained to Assist the Magistrates, and their Officers, for Suppressing of Tumults, under the pain to be punished by the Magistrates, and Council of the Burgh, as Fosters of the saids Tumults. *Jam. 6, Per. 18, Cap. 17.*

That the Burrows may meet, four times in the Year by

a Commissioner for ilk Burgh, and two for Edinburgh, what Burgh they please, for matters concerning their State. *Jan. 6. par. 5. cap. 110.* Ratified, and that the Burgh not keeping the Convention, when appointed by the most part or by the Burgh of Edinburgh, any Six, or Eight, of the Rest, and warned by an Mistle of the Provost, and Bailies of the Burgh, where the Convention is to hold, or otherways Lawfully Cited, be Fined, in Twenty Pounds, toward the Charges of them that meet, and that on the Act of the Convention, Letters of Horning and Pounding, be Summarily Direct at the instance of the Burgh of Edinburgh for payment of this Fine.

Jan. 6. par. 7. cap. 110. That the Taxation of Burrows be not Altered but stand as formerly, That is to say, That it be the Sixth part allenarly of all General Taxations. *Jan. 6. par. 11. cap. 111.*

That no Free-Burgh, Sell, or Aonality their Freedom in Hall, or in Part, to any other Burgh or any otherways, without Licence of his Highness, and Three Estates of Parliament, under the pain of Tine of Freedom of the Burgh, either Buying or Selling. *Ibid. cap. 112.*

AG Ratifying all former Acts, and of new Statutes, That none Exercise Merchandize, nor being Free-Burgeses, under the pain of Escheat of their hail Moveables, half to the King, and half to the Burgh; whole Commissioners shall apprehend the same: But prejudice of Landed Men, to have some Merchandize to their own use, and behoove, Providing they Sell not the same again. *Jan. 6. par. 12. cap. 152.*

That all Inhabitants in Burghs, whether they be admitted Burgeses, or not, Exercing Traffique, or having Change within the same, bear their part of all Taxes, Stents, Warchings, Wardings, and all Duties, and Services, touching the King, or Burgh, without respect to any Privilege, grayed, or to be granted; Except, that the King may exempt one of ilk Craft, for his own Service, and without prejudice to the Members of the Colledge of Justice. *Ibid. cap. 153.*

That there be three Burghs bigged, one in Kinross, another in Lochaber, a third in the Lewes; with all privileges of Burghs. *Jan. 6. par. 15. cap. 263.* See the AG in Highland.

That there be no Exercise in Craft in the Suburbs of Burrows; But that the Magistrate and their officers may increase with and effect all work wrought, or wark-

ing there, to whomsoever the Materials may appertain
Jam. 6, Par. 12, Cap. 154.

And this two Acts Ratified, Extending the former to Free and Un-free, having their Commodities within Burgh, having no other Dwelling and bearing no Burden without the same. *Jam. 6, Par. 14, Cap. 225.* But declared thus, That all residing within Burgh with their Families, who may spend a hundred Pounds a Year, or are Stented to be worth two thousand Marks, be subject to be Burdened with the rest of the Inhabitants: Excepting and Excepting *as supra.* *Jam. 6, Par. 15, Cap. 225.*

That all Un-free Persons, nor actual Burghesses of the Royal Burrows where they Dwell, and pay no Tax, and Stent, Desist and Cease, from using Merchandise, or any of the Liberties of the said Burghs, under the pains Statute against Un-free Traffickers, and that Letters of Horning be thereon Direct, Charging the said Un-free Men to find Caution to Obey this Act, As also upon the Decrees of the Convention of Burrows, betwixt Burgh and Burgh, and Burghesses of Free Burrows upon Ten Days. *Jam. 6, Par. 19, Cap. 6.*

That Letters of Horning on a simple Charge of Ten Days, be direct on all Decrees, and Act of Burrows *as supra*, and others subject to their Jurisdiction, and the Officers Execution thereof given on Fifteen Days. *Jam. 6, Par. 13, Cap. 177.*

That the Common Guild of Burrows after the Yearly Rouping, and Setting thereof, be Yearly bestowed at the sight of the Magistrate, and Council, to the doing of the Common Affairs thereof. *Id. Cap. 183.*

That the Magistrate at the instance of the Heretor, take Summar Cognation upon Citation of the Party, of the condition of Lands Life-rented within Burgh, and ordain the Lessemer to repair them within a Year, wherein if the Lessemer Failz, the Heretor may enter to the Possession, upon Security found to pay the Consume Fier, the Mail the House may give the time of the Cognation, And this Extended to all Burnt and wast Lands. *Jam. 6, Par. 14, Cap. 226.*

That Burghs and their Stent Masters, do only Stent Persons according to their Rents and Holding within Burgh, but not according to their Livings and Rents, lying out with the same. *Jam. 6, Par. 15, Cap. 226.*

Ratification of all Privileges, and Acts in Favour of Free Burrows, and Burghesses, and especially of the Acts *Jam. 3, Par. 2, Cap. 11. Jam. 4, Par. 6, Cap. 12. Jam. 6, Par. 12, Cap. 152. and Par. 19, Cap. 6.* (all here

last above) Declaring the Liberties contained in these Acts to be truly Proper and Compeent to the Free Royal Burrows, that have been in Parliament, and bear Burden with the rest. Ch. 1, Par. 1, Ch. 24. But this Act Granted, and it is Ordained, That Free Men of Royal Burghs, and none else may Buy or Sell, in great, or whole Sale, Wine, Wax, Silks, Spices, and Wad, or other Materials for Dying, and that none may Import, or Export the same, or Import any other Commodities, Except as this Act allows, But with Justice to Noblemen, Knights, Barons, and Others, of their Privilege of Importing for their own Use, But it is Declared Lawful to any Subject, or any who shall Buy from them, to Export Some of the Growth of the Kingdom, all manner of Cattel, Hock, Sheep, and Horse, Coal, Salt, and Wool Skins, Hides, and all other Native Commodities: And Burghs of Burghs, and Burghs and their Burghs, and Members of Societies, may Export all their own Manufactures, or such Goods as they shall Buy in Fairs, and Mercats, and all these Exporters may Import for their Returns or Freight and Hire of their Ship, Timber, Iron, Tar, Soap, Lint, Lint Seed, Hemp, Onions, and Necessaries for Tillage or Building, or the Use of their own Manufactures, and also may Tax and Retail all Commodities whatsoever. And if any Unlawful Men shall be found to have any Goods to be Bought or Sold Exported, or Imported, contrary to this Statute, If within Burgh Royal, Burghs or Burghs chapels, then the Goods may be summarily Seized as Efforts, but if outwith, then they may only be Arrested, and Forfeited as Efforts, half to the King and half to the Burgh Apprehender, but they may not only in this last case be summarily Seized by way of Fact, by any Burgh, or any for them, under the pain of a Riot, and all Acts and Ratifications contrary thereto are Reversed, and Letters of Horning are ordained to be Given under this Act, at the Instance of Burghs Royal Ch. 2, Par. 2, Sect. 3, Cap. 5.

That where Houses are Ruinous within Burgh by the space of three Years, the Magistrates may warn the Owners, so they may Incompt therein of Property or Annual Rent, Personally or at their Dwelling Houses, and then, and all others, at the Paroch Kirk, and Mercat Cross, and in case of Absence out of the Realm, at the Cross of Edinburgh, and Fair and Show of Leith, on Sixty Days, to Repair them within Year and Day, otherwise that they will cause the same be Valued and Sold to others, Paying or Conveying the Price who will Repair them within

within the said space, or if none will buy, then the said
 persons may buy and rebuild them, and this Right to be
 an unquestionable security to the builders. Car. 2. Par. 1.
 Sess. 3. Cap. 5 Ratified. W. Par. 1. Sess. 5. Cap. 2. That
 no Royal Burgh have Mercat on Monday, but on Tuesday.
 Car. 2. Par. 1. Sess. 3. Cap. 19. See it in Mercat Bur-
 geses and Indwellers in Burghs Royal, may only Arrest
 Strangers, living without the Burgh for Horse-steal, or
 Man-steal, Abusilements, or other Merchandizing, due
 to themselves originally, without Bond or Security given
 therefore, otherways the Magistrates may be punished for
 wrongous imprisonment. Car. 2. Par. 2. Sess. 3. Cap. 2.

The importing of all Foreign Commodities for Mer-
 chandize, whether by Sea or Land, Excepting of Cattel,
 Horfe, Sheep, and other bestial. As also the Exporting
 by Sea of all the Native Commodities of the Kingdom;
 Excepting Corn, Cattel Horfe, Sheep, Mowls, Min-
 rals, Coals, Salt, Lime, and Stone, doth only belong to
 Free-men, Inhabiting Royal Burrows, but it is free to all
 the Leidges to transport by Land forth of the King-
 dom, all its Native Commodities: Item, All the Leidges
 may buy and Sell all Native Commodities: And like-
 ways retail Foreign Commodities, if bought from a
 Freeman of a Royal Burgh, bearing Scot and Lot therein;
 But prejudice to Noblemen and Barons, to Import any
 Goods for their own use: As also to export of the Native
 Products, for Importing the like returns. And the Act
 Car. 2. Par. 2. Sess. 3. Cap. 2. is changed, In so far as, it
 is herewith inconsistent. W. & M. Par. 1. Sess. 2. Cap. 12.
 And this Act formerly refused and minished with an ex-
 ception, i. e. such as shall get the Communication of Trade.
 Sess. 7. Cap. 19.

Act and Commission for settling the Communication of
 Trade, as in the Act. Cap. 20. Ibid.

Act declaring their Majesties will give Commission,
 one or more, for enquiring into the condition of the Com-
 mon Good and Revenues of all Royal Burrows, and how
 it hath been managed, and to call Malversers to account.
 And it is Statute, that every Royal Burgh shall betwixt and
 the first of November next 1699. bring in to the Lords of
 The Treasury and Exchequer an exact stated account of their
 hiall Common Good and Debts; And that for hereafter,
 they shall contract no Debt without a previous Act of the
 Town Council in its fullest convention, containing the
 Causes, according to which the Contractors and Owners
 of the Bond are to be Answerable, at the instance of any
 Burgh, that hath been in the Magistracy, but prejudice

to the Creditors Security. W. and M. Par. 1. Sess. 4. Cap. 4.

Burial.

Act restraining the exorbitant Expence, and sumptuousness at Buriall, and discharging absolutely Mourning Cloaks; under the pain of an hundred Pounds. Car. 2. Par. 3. Cap. 14.

That all be Buried in plain Scots Linnen, under the pain of 100 lb. The Nobleman, and 200 lb. each other person, till to the discoverer, half to the Poor of the Parish, and the Minister is to keep a Register of Burials, within his parish, and a Certificate upon Oath, to be reported to him within eight dayes of the manner of the burying that person deceased (Tennents and Cottars excepted) otherwise the defuncts goods or his parents with whom he was in familie liable for the said fine to be pursued by the Minister within six months or otherwise the Minister to make it good, that no Wooden Coffin exceed the price of 200 Merks, for persons of the best quality and so proportionally for the meaner, under the pain of 200 Merks. Jam. 7. Par. 1. Sess. 2. Cap. 16. And this Scots Linnen to be not in Value above 20 Shilling Scots per Ell, under the same pain. And a stricter method of Execution appointed, and the whole pains to the Poor, and that none make or Sew any Dead-Linnen contrair to these Acts under the pain of 40 Merks seties quater, for the Poor. W. and M. Par. 1. Sess. 5. Cap. 35.

Burnt Lands.

Rules anent the repairing of Burnt Lands in Burgh. 1. That if the Annualrenter, bear his part of the Expence of repairing, proportionally to the Annualrent, and Rent, he have his whole Annual the next Term, after the repairing. 2. If the Annualrenter do not contribute to the bigging, he shall want the sixth part of his ground Annual, the sixth of his Few Annual, and the sixth of his Top Annual. Declaring nevertheless the said defaultance recoverable by the Annualrenter, by money to be paid to the owner of the Ponds for the said defaultance. 3. If the Owner repairs the Annualrenter may pursue him as accords. 4. If the Annualrenter repairs the Owner may pursue him as accords. 5. If the Annualrenter repairs the Owner may pursue him as accords. 6. If the Annualrenter repairs the Owner may pursue him as accords. 7. If the Annualrenter repairs the Owner may pursue him as accords. 8. If the Annualrenter repairs the Owner may pursue him as accords. 9. If the Annualrenter repairs the Owner may pursue him as accords. 10. If the Annualrenter repairs the Owner may pursue him as accords. 11. If the Annualrenter repairs the Owner may pursue him as accords. 12. If the Annualrenter repairs the Owner may pursue him as accords.

al be redemptible, and the Annaller contribute as in the first Article, then a half more of the Sum in the reversion shall be eiked thereto. 6. If the Burnt Land belong to a Chaplain, and he not able, and the Patron not willing to repair it, then the Chaplain may set it in lease, without the Patron's consent (making alwayes the first offer to the Patron) for the true avail. 7. If the Land belong to a Leasee, and Proprietor, then the Lessemer hath the preference, if pleased to buy; And therefore shall the Proprietor; and the Land both be bound to refund, after her decease, the third of the real Expence to her Executors or Assignes, the Land being alwayes bigged, as it was before; Otherways the Proprietor may buy, paying to the Lessemer the third of the free Mail, it payed before the burning. *2. M. Par. 4. Cap. 10.*

This order ancient Burnt Lands, betwixt the Owner and Annaller appointed to be observed, as to Lands in Edinburgh, and about it, belonging to the true Subjects, and burnt by the then Rebels. *Jam. 6. Par. 4. Cap. 58.*

As to Lessemers repairing burnt, or Wall Land in Burghs. *Jam. 6. Par. 14. Cap. 286. See the Act in Burghs.*

Burfares.

What Benefices, Patrons may present, and dispose to Burfares, *See it in Patrons.*

C.

Calumny.

O Ask of Calumny, *See Actions.*

Cards and Dice.

That none play at Cards or Dice, in any common House, Tavern, Hostellary, Cooks-house under the pain of Forty Pennis, to be exacted of the keeper of the said house for the first, and loss of Liberty for the second fault; and that there be no playing in any private house except where the Game is played by the Host; and if more be won in Twenty Four hours, than an Hundred Mark, it shall be conveyed to the King's Treasurers hand in Edinburgh, or in the County where the Game is played in the Country; And Masters of Burghs, and Sheriffs, and Justices of Peace in the Country, are empowered

powered to pursue for this superplus winning, or other-
ways are declared lyable to the Informers for the double,
whereof the half to himself, the other to the Poor. *Ja. 6.*
Par. 23. Cap. 14.

Cashet.

The keeping of the Cashet committed to the Privy Coup-
cil, *See Council.*

Castles.

That every Lord having Land, and Castles, and man-
nours thereon, beyond the Month, big and repair the
same and dwell therein by themselves, or their Freinds,
for gude Policy. *Ja. 1. Par. 5. Cap. 82.*

That all havers of Castles, stuff and strength the same
against the *English*, *Jam. 3. Par. 11. Cap. 83.*

That he who has received since the King (King James
the Sixth) His Coronation, or shall receive hereafter Mo-
ney, Land, or other Goods, for rendering the Kings Castles
and Strengths, with his Munition and Jewels therein, he
be lyable to restore the same, as extorted, *Ja. 6. Par. 7.*
Cap. 125.

Particular Affignation of Money and Victual for the bet-
ter keeping of the Castles of *Edinburgh, Stirling, Dum-*
barton and Blackness, according to the possession had by
the keepers of the saids Castles for Five Years preceeding.
And declaring all deeds in prejudice thereof Null. *Ja. 6.*
Par. 9. Cap. 8.

Casualty.

The Kings Casualties should not be given away in great,
as these of a whole Countrey, or the confirmation of the
whole Fewes of a Prelacy, or of any special Crime. *Ja. 6.*
Par. 11. Cap. 69.

Cattell, *see* Bestial.

Caupes.

Caupes, that is a Horse, Mare, Ox, or Cow, under the
notion of *best aught*, taken by heads of Kin, Clanns, or
others in *Galloway*, for maintainance of the Givers, dis-
charged, under the pain of reiff. *Jam. 4. Par. 2. Cap.*
18. And that tryal be taken of Caupes in *Carrick* *Ibid.*
Cap. 29.

Caupes universally discharged, under the pains foresaid
Jam. 6, Par. 22, Cap. 21.

E

Causes

An Abridgement of the **Causes, see Actions.** **Cautionry.**

That no Man binding for another, that is, having his releif, known or intimar to the Creditor continue longer bound then for Seven Years from the date, and then to be *eo ipso* free, providing that all legal Diligence done against him in that time shall stand good for what fell due in that time. *W. and M. Par. 1. Sess. 5. Cap. 5.*

Chamberlain of the Kings Property.

That Chamberlains and Receivers of the Kings Rents, find sperty in *Edinburgh*, to make Compt in the ordinary time in Exchequer, and payment Twenty days thereafter, *Jam. 6. Par. 11. Cap. 65.* Ratified and Extended to all Chamberlains, and Fewars of His Majesties Property, Customers, Baillies of Burrowes, Sheriffs, and other Intrometters with the Kings Duties and Casualties. *Ja. 6. Par. 14. Cap. 230.*

And both thir Acts ratified. *Cha. 2. Par. 1. Sess. 3. Cap. 15.*

All Offices of Heretable Chamberlains of the Kings property declared null. *Jam. 6. Par. 15. Cap. 238.*

Chamberlain of Scotland.

Chamberlain Airs need not to be continued, but continue of themselves, until dissolved by the Chamberlain, *Jam. 3. Par. 5. Cap. 39.*

That the Chamberlain inquire yearly, how the Common Good of Burrows is spent. *Jam. 4. Par. 3. Cap. 36.* See it in *Burghs.*

Chancellour.

The Lord Chancellour for the time hath right to preside in Parliaments, and other Publick Judicatories. *Cha. 2. Par. 1. Sess. 1. Cap. 1.*

Chancellary.

That the Form of the Chancellary : in Breives and other Letters, be observed, without Innovation, or eiking new Terms, under the pain of nullity, except the Breive of Summonds of Error. *Jam. 4. Par. 3. Cap. 24.*

Chap-

Chapter.

That the Chapter of Bishopricks remain, according to their Foundations: And the Act appoints a new Chapter for the Arch-Bishop of *St. Andrews*, in place of the Priory, Reserving to the Bishop his priviledge: That the Common Seal to be made by him, shall serve for the Chapters Consent, without their Subscriptions; And the old common Seal to be sufficient in the *interim*. *Ja. 6. par. 18. Cap. 3.*

That the said appointment of a Chapter for *St. Andrews* consist of at least Seven, to be chosen by the Arch-Bishop, of these dwelling, and having charge within his diocess: And the reservation above mentioned is renewed. *Ja. 6. par. 19. Cap. 8.*

That all Deans and other Members of Chapters of Cathedral Kirks be restored to their Manfes, Gleibs and Patrimony, for which end the same are dissolved, from the Crown, without prejudice of Fews, Tacks and other Rights already lawfully made: As also of Patronages disposed by the King, with consent of the Titular to Laick Patrons, albeit not ratified in Parliament: As also of the Erection of the Priory or *St. Andrews*, to the Duke of *Lennox*; And also to the Town of *Edinburgh* of the Rents, Teinds and tenements, disposed to them for their Hospitals, Colledge and Ministry; And also of all Teinds and others disposed to any of the Colledges of *St. Andrews*, As also reserving to the Marquess of *Hamilton*, the House and Place of *Hamilton*, with the Pertinents, In so far as they pertained to the Deanry of *Glasgow*, to be holden hereafter of His Majesty, with the whole other Restrictions, in the Act restoring Bishops (*See it in Bishops*) in favours of Fewers Tacks-men and others. *Item*, As to the entering of Vassals, the direct Superior may do the same, without the consent of the Bishop, and Remnant Chapter. *Item* In stead of the Prior and Priory of *St. Andrews*, formerly Dean and Chapter of that See, a new Dean and Chapter are appointed as in the Act: And the Arch-Bishop is to be chosen by Eight Bishops, and Five Ministers named in the Act, or the most part of them, The Bishop of *Dunkeld* Conveener, and Vicar-General: And three Bishops are added to the ordinary Chapter of *Glasgow* for Electing the Arch-Bishop thereof, and the Bishop of *Galloway* Conveener: without prejudice to the ordinary Chapters of their former Right and power in all other things. *Ja. 6, par. 22. Anno 1617.* Ratified with this addition, that all deeds done since, or to be done hereafter, suppressing any Member of a Cathedral

thedral Kirk, being in Office or Dignity, or dissolving any Land, Personage Viccarage, or other living from the dignity, without His Majesties express warrand, and consent of Parliament, are and shall be null, without prejudice to the Marquess of Hamilton of his Right to the Parsonages of *Hamilton* and *Darlsers*: And of the Earl of *Marr's* to the Patronage of *Carnwath*, and any other persons lawful Right before the said Act of Parliament 1617. *Ja, 6, par, 23, cap, 11.*

**Charges super Inquirendis,
or under the pain of Treason.
See Inquirendis.**

Charters.

Charters under the Great Seal, should have the Precept of *Seafin* ingrossed, and may be written Book-ways, *Cha, 2, par, 2, Scff, 3, cap, 7. See Precept of Seafin and Seal.*

**Registration of Charters,
see Registration.**

**Chaud-mella, see Fore-
thought Felony.**

Citation, see Summonds.

Clann. see High-lands.

For Scouth or Reiff committed by any notorious Thieves of the Clanns of Thieves, any other of the Clann, their Servants, or Dependens may be seized, until the Principals, or others of the Clann Cause the skaith be redressed, or at least find soverty for that effect, in case it be found that the Offender was any way reset among the Clann, after the Deed done. *Ja, 6, par, 7. Cap. 112.*

As also the Goods of any other of the Clann &c. may be Seized, as said is, without any danger of Spuilzy or Violent Profites, and the Sheriff or any other Ordinary Judges to Burgh or Land, or any other Person of Power present for the time, being desired should concur and as-
sist

list to the saids Seisfure of Persons and Goods, under the pain of Repute and lyable as Partakers. *Jam. 6, Par. 10, Cap. 16.*

If Goods taken by one Clann be Transported to an other, that the Chief of the Clann where the Goods of his witting are received, be required to make Redress, and by refusing to be Lyable: And Slaughter or Hurt done by the Owner, in pursuit of his Goods, is fully Indemnified. *Jam. 6, Par. 11, Cap. 101.*

A strict act against the *Clan-Greigow*, Ratifying all former Acts of Council against them, suppressing the Name, and obliging them after 16 Years of Age to make Compearance Yearly the 24. of *July* before the Council, to find Caution, or otherways if they be denounced for their Failzy, Declaring them to be Intercommuned, and that none resort or assist them; And the Act Constitutes several Justices in that part against them. *Cba. 1, Par. 1, Cap. 30.*

And this Act Revived notwithstanding it was Rescinded in the Year 1661, which Act Rescissory is here Annulled. *W. and M. Par. 1, Sess. 4, Cap. 39.*

Clergy, see Bishops, and Ministers.

Clerk, or Clergy-Man.

That no Clerk nor Clergy-Man pass, nor send Procurators for him over Sea, without the Kings leave. *Jam. 1, Par. 1, Cap. 13.*

That no Clerk Purchase any Pension out of any Benefice, or raise any Pension already granted, under all highest pains. *Ibid. Cap. 14.*

That Clergy-Men be obliged to warrand their Fews and Tacks from their own Facts and Deeds allenarly. *Jam. 6, Par. 11, Cap. 110. See Barratry, and Benefice, and Minister.*

Clerk of the Session, see Session, and Register.

Sheriff-Clerk, see Sheriff.

Cloath.

That Woollen Cloath be met by the Ridge, and not by the Selvedge. *Jam. 3, Par. 5, Cap. 32.*

That no Man draw Cloath, under the pain of Tining the Cloath, and Freedom for Year and Day: And that there be an able Man appointed for Trying, and Sealing the Cloath and Colour. *Jam. 5, Par. 7, Cap. 112.*

Coal-Heughs, Coalliers &c. Coals.

That no Coals more than necessary provision be carryed forth of the Realm, under the pain of Confiscation of the Coals, the Vessel, and all the Goods therein belonging to the Owner of the Coals. *2. M. Par. 9, Cap. 84.*

Ratified, and the Revealer and Pursuer to have the Third of the Escheat. *Jam. 6, Par. 6, Cap. 90.*

Willful Firing of Coal-Heughs declared to be Treason. *Jam. 6, Par. 12, Cap. 146.*

That no great Burn Coal be Transported under the pain of Confiscation thereof, and of the Vessel; and that the Magistrats of Burghs, and Customers and Searchers apprehend the Contraveeners, and Arrest the saids Vessels. *Jam. 6, Par. 15, Cap. 253.*

That none Hire Coalliers, Coal-bearers, or Salters, without they have a Testimonial from their last Master, or an Attestation from a Judge of the cause of their away-coming; and who otherways Hires or Intertains them, if challenged within a Year, shall deliver them back within Twenty Four Hours, under the pain of an hundred Pounds, And the saids Coalliers, Coal-bearers and Salters, receiving Fore-wages, to be punished as Theives. *Item, Coal, and Salt-Masters may apprehend, and put to Labour all Vagabounds and Sturdy Beggars. Jam. 6, Par. 18, Cap. 11.*

This Act Extended to Water-Men, Winds-Men and Gates-Men in Coal-Heughs. *Item, That no Coal-Master give any greater Fee to Coal-Hewers than Twenty Merks in Fee or Boumeth; and that the Coal-hewers, and other Workmen in Coal-Heughs and Salters, Work all the Six Days of the Week through the Year, Except the time of Christmas, under the pain of Twenty shillings per diem, beside their Masters prejudice, and Corporal Punishment. Cha. 2, Par. 1, Sess. 1, Cap. 56.*

Coal-Measure, see Measure. Cocquet.

That all Cocquets be speciall in the Quantity and Quality of the Goods, and the Owners Names; And that the

Conservator admit of no other Cocquet, but Confiscat all Goods not therein Expreemed. *Jam. 6, Par. 15, Cap. 255.*

That the Conservator Arrest all Ships wanting formal Cocquets, and Escheat all the Goods therein to his Majesties Use. *Ibid. Cap. 256.*

That Cocquets pass in the Names of the Principal Owners of the Goods, and not in Poor Mens Names, *Jam. 6, Par. 18, Cap. 6.* The Act is anent the Customs between Scotland and England.

That no greater Price be Exacted for Entering Ships and Goods, then Twenty three shillings Four Pennies: And for the Cocquet Fourty shillings: And that the keeper of the Cocquet attend his Office, and Exact no more, under the pain of Deprivation. *Cha. 2, Par. 1, Sess. 1, Cap. 55.*

Colledges, see Schools and Universities.

Colledge of Justice, see Session.

Combat.

That none Fight any Singular Combat; under the pain of Death, and Escheat of Moveables: And the Provoker to be punished by the more Ignominious Death. *Jam. 6, Par. 16, Cap. 12.*

That no Principal or Second or other Person, give a Challenge to Fight and Combat or Accept the same, or any other Engage therein, albeit no Fighting Esue, under the pain of Banishment and Escheat. *W. Par. 1, Sess. 6, Cap. 35.*

Commends.

Commends bygone, and in time coming Discharged, under the pain of Tinsel of Temporality for the Purchasers time, and als under the pain of Rebellion, Except that the Ordinary may Commend for Six Months. *Jam. 3, Par. 1, Cap. 3.*

Commiffars.

The Commiffars Judges Competent to Actions of Revenues. *Jam. 6, Par. 1, Cap. 28.*

The

The Commissars of *Edinburgh* appointed Two of them to be Nominate by the Arch-Bishop of *St. Andrews*, and the other Two by the Arch-Bishop of *Glasgow*, with sole power to Decide in all causes of Divorcement, and to Reduce all other Commissars Decrets in *prima instantia*, with Subordination nevertheless to the Lords of Session. *Jam. 6, Par. 20, Cap. 6.*

That Commissars keep Circuits in Spring and Harvest Vacance, for Confirming Testaments in places convenient in each Presbytry, and There to Cite Parties Personally, or at their Duelling Houses and Kirk-Doors on Sabbath after Service. *Chs. 2, Par. 2, Sess. 1, Cap. 19.*

Commission.

That no Commission be given for serving of Brieves, or Comprising of Lands but to the Judge Ordinary, unless he be called to the giving thereof. *Jam. 5, Par. 6, Cap. 80.*

The King may give Commission to try Fornicators. *Jam. 6, Par. Cap. 13.* As also to try such as shoot at Doe and Rae, Cunney, Hare, Dove, &c. *Ibid. Cap. 16.* As also to try Slayers of Black-Fish and Smolts, and Cutters of Green Wood. *Ibid. Cap. 30.*

As also to certain Persons in each Paroch for Executing the Act for observation of the Sabbath. *Jam. 6, Par. 6, Cap. 70.* At the end thereof, and the Act about Beggars. *Jam. 6, Par. 6, Cap. 74.* And the Act for punishing the Observers of Superstitious Rites, *Jam. 6, Par. 7, Cap. 104.*

All special Commissions of Justiciary should be made by Signatures, and pass the Quarter Seal, that the Responders be made thereon; And the Obtainer should find Soveryty at the Chancellary to Report his Diligence within Forty Days, under the pain of Forty Pounds: And that no Commission be granted on Slaughter, but the Chief Justice and his Depute to proceed thereupon. *Jam. 6, Par. 11, Cap. 76.*

Act Discharging all Commissions of Justiciary granted of before, and that none be granted hereafter Generally, or longer then for the Errand in hand, and upon Caution to produce the Process, and pay the Issues to the King as effects. *Jam. 5, Par. 12, Cap. 126.* The Act if the Names of Rebels should be delivered in to the Thesaurer &c.

That Commissions for Executing of Penal Statutes be only granted to Honest Men of Good Quality, sufficiently Authorized by the Lords of Secret Council for that effect.

effect. *Jam, 6, Par, 23, Cap. 23.* The Act is a General Pardon for Deeds done against Penal Statutes &c.

His Majesty may Nominate Sheriff-Deputes, Justices of Peace, or other Commissioners for Executing the Laws against Field Conventicles, Irregular Marriages and Baptisms, and Invading of Ministers. *Cha, 2, Par, 3, Cap, 4.* The Act is, for Securing the Peace of the Country.

His Majesty may by Himself, or any Commissionat by him, take Cognition and Decision of any Case or Cause he pleases. *Ibid. Cap, 18.* See the Act in King.

Commissioners to Parliaments, and Conventions. *see Parliaments.*

Communion or the Lords Supper.

That the Parsons of all Paroch Kirks, Furnish Bread and Wine to the Communion, so oft as it shall be Administrate. *Jam, 6, Par, 3, Cap, 55.*

That all Men Communicat once a Year, without respect to the Excuse of Deedly Feede, under the pains. *vix.* The Earl a Thousand Pounds, the Lord of a Thousand Merks, the Barron of Three hundred Pounds, the Free-holder Three hundred Merks, the Yeoman Fourty Pounds, and the Burgessex as the Council shall Modify. *Jam, 6, Par, 16, Cap, 17.*

Communities.

Act for dividing all Communities not belonging to his Majesty in Property, or to Royal Burrows in Burgage, at the Instance of any having Interest, by Summonds raised before the Lords of Session, and Commission to be given by, and Reported to them, with a provision about Mosses, and that Interests be Estimat according to the Heretors their respective Valuations. *W. and M. Par. 1, Sess. 5, cap. 38.*

Companies, *see Fishing and Manufacturies.*

Com.

An Abridgement of the Compensation.

That Compensation *de Liquido in Liquidum* instantly Verified by Write or Oath, be admitted by all Judges before Decreet, but not by way of Suspension, or Reduction of the same Decreet. *Jam. 6, Par. 12, Cap. 141.*

Comprising.

That Failzieing the Debtors Moveables, the Sheriff cause Sell his Land, and Pay the Debt, Redeemable by the Debitor, upon payment of the Price and Expence to the Over-Lord for Charter, Seafin, and Inseftment; And if the Sheriff find not a Buyer, that he cause Apprise the Land, by Thirteen of the Worthiest of the Shire, and Assign to the Creditor to the avail of his Sum. *Item,* That the Over-Lord receive the Creditor, or the Buyer upon payment of a Years Mail, as the Land is Set for time, or else he may take the Land to himself and undergang the Debt. *Jam. 3, Par. 5, Cap. 37.*

That the Compriser within the Legal, have only Right to as much of the Mails and Duties as Correspond to the Annualrent of the Principal Sum Comprised for, and if the Mails and Duties Exceed, and he please to Intromet therewith, That they be Ascribed in payment of his Principal Sum, *pro tanto*; And if his said Intromissions shall Extend to as much as will satisfy the Principal Sum, and Annualrents thereof, the Expences in passing and obtaining of Inseftments from the Superiour, with the Annualrent of the saids Expences, and the necessary Charges and Expences made in leading the Comprising, Then the Comprising to Expire *ipso facto*. *Item,* The Legal does not run against a Minor, but he may Redeem by payment as said is at any time within his perfect Age of Twenty five Years compleat, Yet if the Seven Years of the Legal run out in his Minority, the Compriser thereafter hath Right to the whole Mails and Duties, albeit they Exceed his Annualrent. *Item,* If a Minor Succeed to a Minor, he hath Right to Redeem as if the Comprising had been led against himself. *Item,* If a Major Succeed to a Minor, after the Seven Years run against the Minor, Then the Major hath only Year and Day to Redeem; But if the Seven Years were not out-run in the Minors time, then the Major may Redeem within the Seven, as if the Comprising had been led against himself. But if the Rents of the Lands Comprised, do not render to the Compriser his Annualrent, Then Major or Minor Redeeming, must compleat the same, And if the Rent of the Land be Victual, then

then it is to be Estimat by the Common Prices of the Shire, betwixt *Tail* and *Candlemas* *Item*, This Act Extends not to Comprisings expired before its date. *Jam. 6, Par. 23, cap. 6, Anno 1621.* And this again Rati- fied as to Minors, but Corrected in that; That Minors during their Minority, are only obliged for the Annual- rent of the Sums in the Comprising, and lose not the Right of the Superplus Mails. *Che. 2, Par. 1, Sess. 3, Cap. 10.*

A Compriser of Lands holden of the King, wanting his Authors Charter under the Great Seal, may Extract it off the Privy Seal, if it be not Registrat at the Great Seal, and get the Great Seal Appended to it at any time pro- viding this prejudice not a Third Party, who hath an In- festment of these Lands, passed the Great Seal Prior to the said Infestment so past the great Seal, which is only of force against the Person from whom the Lands were Comprised, and his Heirs and Successors. *Jam. 6, Par. 23, Cap. 8.*

Act Discharging the Registration of Comprisings, but Ordaining them to be Allowed and Recorded within Sixty Days after the Date, otherways a Posterior Appoying first Recorded to be Preferred as to this step of Diligence; but prejudice of farther Diligence by Charges &c. *prout de jure, Che. 2, Par. 1, Sess. 1, cap. 31.*

The Legal Reversion of all Comprisings either to be Led, or whereof the Legal not then Expired, Extended to Ten Years: As also the Reversions of all Comprisings Led since *January 1652*, or whereof the Legals not then Expired Prorogued for Three Years after *Whitsunday 1661. Item*, where the Rent of the Lands Exceeds the Annualrent of the Sum due to the Compriser, the Debitor may cause him Restrict his Possession to, or take Securi- ty for his Annualrent within the Legal, at sight of the Lords of Session, without prejudice of his Right upon the Ex- piration of the Legal. *Item*, That all Comprisings Led since the first of *January 1652*, and to be Led in time coming before the Date of the first effectual Compris- ing, (That is to say, the Comprising Preferable in Re- spect of Infestment thereon, or first exact Diligence for obtaining the same) or alter, but within Year and Day thereof, come in *pavi passu* the Posterior (or not Prefer- able) Comprisers always satisfying the first effectual Com- priser of his whole Expences: And Excepting herefrom all Comprisings for Real Annualrents, and other *debita fundi*, which are to be Effectual and Preferable, according to the Laws and Practick now standing. *Item*, If a

Com-

Compyser be desirous to take Lands in security or satisfaction of his Debt, the Debitor shall be holden to give the same at the Lords of Session their sight, or otherwayes shall Forfeit all Benefite of this Act. *Cha, 2, par, 1, Sess. 3. cap, 62. Anno 1661.* The Act is for ordering the payment of Debts betwixt Creditor and Debitor.

But there is an Exception made from this Act, as to Compylers coming in *pari passu*, where a second Compyser hath satisfied the first, and acquired Right to it, *bona fide*, before the making of the said Act. In which case he is not to be prejudged as to his Right of the foresaid first Compyring, and only this own second Compyring is to come in *pari passu* with the rest, *Cha, 2, par, 1, Sess, 3, cap, 22.*

Comptroller.

That the Comptroller charge himself with the whole Rent of His Highness Property, and be answerable for all the removeable Chamberlains, as being in-put by himself, and that he do Diligence against such as are Hereafter. *Ja. 6. Par. 11, cap. 67.*

That no Precept, or Discharge of the Property be allowed in the Exchequer, except subscribed and accepted by the Comptroller. *Ibid. cap, 68. See Exchequer.*

All Few Inseiments, or confirmations of the Property whereby the state of the Lands is altered, not subscribed by the Comptroller, and passing his Register are null. *Ja, 6, par, 12, cap, 127.* Ratified and extended to all Inseiments of the property in general. *Ja, 6, par, 13, cap, 171.*

Condition.

That no unlawful, or impossible Conditions be made in Contracts or Obligations, such as for a party to consent, that whatever be his distance, a Charge upon a short Day, and Denunciation, both at the Mercat-Cross of *Edinburgh*, with Registration in the Sheriffs Books there, shall be sufficient, but the same here declared unlawful, and void. *Ja, 6, par, 12. cap, 138.*

Confession of Faith, see Minister, Papist, Religion.

Act annulling all former Acts of Parliament, not agreeing with GOD'S Word, and contrary to the Confession of Faith, Ratified in this Parliament, and whereof the Tenor is subjoined to the Act. *Jam, 6, par, 1, cap, 3.*

The

The Confession of Faith, and Doctrine, of the Protestants in Scotland, Authorized by the Estates of Parliament as a Doctrine founded on the infallible Word of GOD, and whereof the Heads follow, First of GOD. 1. Of the Creation of Man. 2. Of Original Sin. 3. Of the Revelation of the Promise. 4. The continuance, Increase, and preservation of the Kirk. 5. Of the Institution of CHRIST JESUS. 6. Why it behoved the Mediator to be very GOD, and very Man. 7. Election. 8. CHRIST'S Death, Passion and Burial. 9. Resurrection. 10. Ascension. 11. Faith in the Holy Ghost. 12. The Cause of Good Works. 13. (But in the Old Copies marked 14) what Works are reputed good before God. 14. The perfection of the Law, and Imperfection of Man. 15. Of the Kirk. 16. The Immortality of the Soul. 17. Of the Notes by the which the true Kirk is discerned from the false and who shall be judge of the Doctrine. 18. The Authority of the Scripture. 19. Of General Councils of their power, Authority, and cause of their Convention. 20. Of the Sacraments. 21. Of the Right Administration of the Sacraments. 22. To whom Sacraments appertain. 23. Of the Civil Magistrate. 24. The Gifts freely given to the Kirk. Their Acts and Articles Read, and Ratified by the Three Estates upon the Seventeenth Day of August 1560. *Ju. 6, par. 1, cap. 3.*

That all Ministers of Kirks, or Beneficed Persons, or who hath Pension, or Portion, forth of Benefice within a Moneth after his admission, subscribe the Confession of Faith, and give his Oath for acknowledging his Majesty, and make publick Profession of both in the Kirk, where he hath Interest on a Sabbath Day the time of Divine Service. *Item.* That any such person maintaining any Doctrine directly contrary to any Article of the said Confession, and persisting or relapsing after Admonition, be deprived of his Church-living. *Ju. 6, par. 2, cap. 46.* *Item.* That no Licence be given to any such person, to depart and remain forth of the Realm without oath or hazard, be of any effect, in prejudice of the said Act, or of the persons provided to Benefices walking by virtue thereof. *Ju. 6. Par. 7. cap. 176.* The Act is against Fugitives, and other Papists practising against the true Religion.

The Confession of Faith Ratified and Established as the avowed Confession of this Church, of which Confession, The Heads are. 1. Of the holy Scriptures. 2. Of God and of the Holy Trinity. 3. Of God's Eternal Decree. 4. Of Creation. 5. Of Providence. 6. Of the fall of Man, of Sin and of the Punishment thereof. 7. Of Gods Co-

penant with Man. 8. Of Christ the Mediator. 9. Of free Will. 10. Of Effectual Calling. 11. Of Justification. 12. Of Adoption. 13. Of Sanctification. 14. Of Saving Faith. 15. Of Repentance unto Life. 16. Of Gods Works. 17. Of the perseverance of the Saints. 18. Of the Assurance of Grace and Salvation. 19. Of the Law of God. 20. Of Christian Liberty, and Liberty of Conscience. 21. Of Religious Worship, and the Sabbath Day. 22. Of lawfull Oaths and Vowes. 23. Of the Civil Magistrate. 24. Of Marriage and Divorce. 25. Of the Church. 26. Of the Communion of Saints. 27. Of the Sacraments. 28. Of Baptism. 29. Of the Lords Supper. 30. Of Church-Censures. 31. Of Synods and Councils. 32. Of the state of Man after Death, and of the Resurrection of the Dead. 33. Of the last Judgement. *W. and M. P. 4. Sess. 2. cap. 5. And this Act again ratified. Sess. 9. Cap. 2. Ibid.*

Confirmation of Infeftments.

That in all Kirk or Crown Lands holden of the King, The first confirmation be of avail, and prevail, The second Confirmation by way of Exception, or Reply, althit it be of the first Infeftment, without prejudice to these having Interest to quarrel the Infeftment confirmed, upon Nullities, or other Reasons competent. *Item*, That no such double Confirmations be granted thereafter, and that the Keepers of the Seals do not pass, As also that the second confirmation be of none avail. *Jam. 6. Par. 5. Cap. 66.*

Confirmation of Kirk-Lands, see Kirk, and Kirk-lands.

Conjunct-Fiar.

A Woman Conjunct-Fiar, ratifying her consent to the Alienation of the Lands made by her Husband, by tier Oath in Judgement, that she shall not come in the contrary, will not be heard to quarrel it, or alledge Compulsion. *Ja. 3. par. 14. cap. 84.*

That the Conjunct-Fiar or Liferenter, required by the Sheriff or Baillie, find soverry, not to destroy the Lands or Houses, but hold them in such case as she finds them; The Act provides also reasonable Living for the Heir, but this part of it seems only to respect the Wardator. *Jam. 4. Par. 3. cap. 25. See Wardator.*

This

This Act Ratified, and the Sheriff, and other Officers strictly enjoined to put the same to Execution when required, and impowered to charge for the said Poverty on Twenty one Days, under the pain of Tinfell of the profits of the Lands. *Ja. 5. par. 4. cap. 15.* And both these Acts ratified, and Extended so Lands given in Conjunction, as well to Burgh as to Land, with a particular order for the Execution thereof, within Burgh. *Jam. 6. P. 14. Cap. 227.* See it in Burgh.

Conservator, see Low Countries.

That the Conservator have Jurisdiction to Judge with Six, or at least Four honest Merchants with him, berycht Merchant and Merchant beyond Seas, and that no Merchant pursue another, before any other Judge, under the pain of Five Pounds, and the Parties Expences. *Jam. 4. P. 6. Cap. 81.*

That the Conservator come home yearly, or send a Procurator to Answer for him, under the pain of Tinfell of his Office, and of Twenty Pounds great to the King. *Ibid. cap. 82.*

That the Conservator admit no Cocquet, except the Merchants, Skippers, and Factors, Swear that they have no forbidden goods, nor no lawful goods, beside what is in the Cocquet, and that they know of none in the Ship pertaining to others, and that so far as they know, all the Goods pertain to Free-Men; As also, that before the Loading of the Ship for her return, They Swear that the Goods pertain to themselves, and not to Strangers, otherways the Conservator may Arrest the Ship and Goods, at least all the Goods of the Refuser. *Ja. 6. Par. 15. cap. 257.*

The Conservator should put the Acts against Usury to Execution, upon all Scots Merchants, Skippers and Factors, in the Low-Countreys, and Compt thereupon to the Theasurer. *Ibid. cap. 259.*

Constable of Scotland.

That the Constable, his Deputes, and the Ministers take no distresses the time of the Session, or Parliament of things brought to Mercat, until his Infestments be seen. *Jam. 2. Par. 13. Cap. 60.*

That in Parliament time, or Fairs, great Constables use no Extortion, for what they call their Fees. *Jam. 3. Par. 7. Cap. 34.* See it in Fairs.

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Constables, see Justices of Peace.

Conventicle, see Separation.

All Conventicles, or Privat Meetings in Houses, under the presence of Religious Exercises discharged. *Ch. 2. Par. 1. Sec. 2. Cap. 4.* The Act is concerning Matters of Universities and Ministers. *Sec.*

That no owned Minister, or other not Licenced by the Council, or by the Bishops, Preach, Expose Scripture, or Read in any Meeting, except in their own Houses, and to those of their own Families. And that none be present at any such unlawful Meeting, under the pain of being guilty of keeping Conventicles; And the Preacher, Exposer or Prayer, to be imprisoned, untill he find Caution, under the pain of Five Thousand Marks, not to do the like, or snatch himself to remove out of the Kingdom, and not to return, without His Majesties License, and the persons present to be fined, each Heritor, Lifereaver or Well-setter, in a fourth of his value; Rent, such Tenant and Merchant, or chief Tradesman war with Burghs Royal in Twenty Five Pounds, and each Common and Independent Tradesman in Twelve Pound Scots, and each serving Man in the fourth part of his years Fee, and that for Wives and Children in Family Transgressing the half of the saids respective Fines be payed, and if the Master, or Mistress of the House be present, that they be fined in the double, and that all be imprisoned, untill they make payment, and farther at the Councils pleasure, and Magistrats of Burghs Royal, are declared to be lyable for every Conventicle within Burgh, as the Council shall determine; For which they shall have their relief off the Master of the House, and others present, at the sight of the Lords of Council, Reserving nevertheless to the Privy Council, to Fine the said Inhabitants, If they please for Conventicles, either within or without Burgh. Item, That who unlicenced as said is, shall Preach, Expose Scripture, or Pray at a Field Meeting, or in any house, where there be more nor the House contains, so as some be without doors (which is declared to be a Field-Conventicle) or who shall converse at any such Meetings, that they be punished with Death, and Escheat of Goods, and the Apprehender of such persons, to have Five Hundred Marks reward.

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reward, and Heretors &c. and all others present, to be Fined in the double of the Fines above set down, but prejudice of any other punishment due by Law, and the Execution of the Act is committed to Sheriffs, Stewards, and Lords of Regality, giving them the Fines of all, except Heretors for whose Fines they are to be comptable, and they, and Magistrates of Burghs are declared punishable for the negligence, And this Act to endure for Three Years, unless His Majesty continue it longer. *Chs. 2. P. 2. Sec. 2. cap. 5.* The Act is against Conventicles.

This Act continued for other three Years after the expiration of the first three, and longer as His Majesty shall appoint, and that Magistrates of Burghs be careful to execute the same upon their own Burghes, and they and the other Judges above named, be diligent, and give account of their diligence yearly the first Thursday of July to His Majesty's Council, under the pain of Five Hundred Marks. *Chs. 2. Par. 2. Sec. 3. Cap. 17.*

The foresaid Pains of Field Conventicles doubled, except as to Burghes of Burghs Royal, and of Regality, and Barony, and they, beside the former Fine, are ordained to lose their Burghships, and be banished the Town. *Chs. 2. par. 3. cap. 4.* The Act is for securing the peace of the Countrey, This Act doth not expressly continue the former Acts, but supposes them to be continued as they were by His Majesties pleasure signified to the Council.

Preaching in Fanatical House, or Field Conventicles and presence for hearing of Field Conventicles to be punished by Death and confiscation. *Ja. 7. Par. 1. Cap. 8.* but this Act and all the Acts above against Conventicles amended. *W. and M. Par, 1. Sess. 2. cap. 27. and 28.*

Convention of Estates, for Parliament.

The Convention of Estates 1643, held without warrant from his Majesty rescinded with all the Acts thereof. *Chs. 2. par. 1. Sess. 1. cap. 6.*

Convention of Estates holden at Edinburgh, the 4th August 1665. and Act thereof, for raising a Taxation, of Fourty Shillings the Round Land of old extent yearly, or yearly for Five years: Beginning the first Term or year at Whitsunday 1666, And proportionally upon the spiritual State and Burrows. *Act of Convention 4th of August 1665.*

Convention, of Estates, holden at Edinburgh, the 23rd of January 1667. And Act thereof, for raising of

Seventy two Thousand Pounds Monthly, to His Majesty, for Twelve Months, after the said Month of *January* Inclusive. Act of Convention 23 of *January* 1667.

Convention, of Estates, holden at *Edinburgh*, in *July* 1678. And Act therof, for raising Twenty Five Months Cess; Extending to Eighteen Hundred Thousand pounds Scots, to His Majesty, in Five years space; Being Five Months Cess yearly, to be payed at two Terms in the year: Beginning the first Term, at *Martmas* 1678. Act of Convention, 10 *July* 1678, See Supply.

Convention, of Estates, called by King *William* Circular Letters, met the 14 of *March* 1689. And thir Acts, being made for that Juncture, the Titles thereof are only here marked, *1/2*. Letter from *William*, King of *England*, to the Estates; presented by the Earl of *Leves*. Read. Act 1. The Convention declared, to be a free and lawful Meeting, under the hands of the Members thereto Subscribing. Act 2. Act, for mbringing the Arrears, of the Publick Revenue. Act 3. Act, for putting the Kingdom in a posture of defence. Act 4. Act, anent an Oath, to be taken, by persons in Military Employments. Act 5. Act, Approving the Address, made at *London*, to his Highness the Prince of *Orange*. Act 6. A Proclamation against Papists. Act 7. Act, For securing Suspect Persons. Act 8. Letter from the Meeting of the Estates, to the King of *England*; In Answer, to His Majesties Letter, to them. Act 9. The Nomination of the Committee, Elected, for settling the Government. Act 10. Proclamation, for calling together the Militia, on this side of *Tay*, and the fencible Men, in some Shires. Act 11. Warrant, to the Duke of *Hamilton*, to secure Suspect Persons, and bring in *English* Forces, as he sees cause. Act 12. Declaration, of the Estates, of the Kingdom of *Scotland*, containing the claim of Right, &c. Act 13. See it in *King James*, and *Kingdom*. Proclamation, Declaring the King and Queen of *England*, to be King and Queen of *Scotland*. Act 14. Act, declaring, That the Estates are to continue, in the Government; untill the King and Queen of *England* accept the Crown. Act 15. Proclamation, against the owning of the late King *James*, and appointing publick Prayers, for *William* and *Mary*, as King and Queen of *Scotland*; And discharging the Proclamation of Council dated the 16 of *September* 1686, to be Read hereafter in Churches. Act 16. Additional Warrant for publishing the Proclamation, of *William* and *Mary* King and Queen of *Scotland*. Act 17. The Articles of Grievances to be redressed in Parliament for them at length in Grievances.

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Warrant for an Embargo, upon Ships, and other Vessels, on the Western Coast Act 19. Act for a Levy of Horse-Men out the several Shires. Act 20. The Oath to be Administred to the King and Queen, at their Acceptance of the Crown. Act 21. See it in King. For it is the same, in Substance, with that appointed, Jan. 6, Par. 1, Cap. 8. Act, for a new Election, of Magistrates, in the several Royal Burrows, to be chosen by the Poll; as the Estates should appoint. Act 22. Act, for Levying some Regiments of Foot. Act 23. Act, Modelling the 500 Horses in Ten Troups. Act 24. Order, for an Embargo, to be laid on all Ships; that they Sail not to France, or Ireland. Act 25. Act, Nominating Commissioners, to Treat, concerning the Union of the two Kingdoms. Act 26. Letter, from the States, to the Kings Majesty; with the offer of the Crown. Act 27. Act, Nominating Persons to Attend their Majesties, with the offer of the Crown. Act 28. Address, for turning the meeting of the Estates into a Parliament. Act 29. Instructions, to those Nominat, to Attend the King and Queen, with the offer of the Crown. Act 30. Proclamation, for a Publick Thanksgiving. Act 31. Act, For raising Four Months Supply; And declaring the Cess, Imposed by former Acts, to be Extinct; and not Due, in time coming. Act 32. Act, in Favours of the Vassals and Creditors of Forfeaulted Persons. Act 33. Act, For a Contribution, to the Irish and French Protestants. Act 34. Commission, to the Committee of States. Act 35. Act, Adjourning the meeting of the Estates, to the Twenty first of May 1689. Act 36. Warrant to the Duke of Hamilton, to draw Precepts, for paying the Forest. Act 37. A Letter, from His Majesty, to the Estates; Declaring, He had Accepted the Crown, and taken the Oath. Act 38. A Letter, from the Estates to the Kings Majesty. Act 39. Act Adjourning the meeting of the Estates, to the fifth of June 1689. Act 40.

This Convention Enacted and Declared to be a Lawful and Free Parliament, and that none disown or Impugne the Dignity and Authority thereof, under the pain of Treason. W. and M. Par. 1, cap. 1

Convocation Unlawful, see Leagues.

That none presume to Convocate, Convene or Assemble themselves, for holding of Councils, Conventions, or Assemblies, to Treat, Consult, and Determine in any mat-

er of State, Civil or Ecclesiastick, except in the Ordinary Judgements without the Kings Command, or Express Licence under the pain of Unlawful Convocation, *Jam. 6, Par. 8, Cap. 131.* The Act is Discharging all Jurisdictions &c. Revived and Ratified, and that to Explain this Act so as not to Extend to Conventions &c. holden for Preservation of the King, Religion, and Law, and Good of the Kirk and Kingdom, is a False and Disloyal Gloss. *Ch. 2, Par. 1, Sec. 1, Cap. 4.* The Act is Act Asserting His Majesties Royal Prerogative in making of Leagues &c.

Cornes, see Victual.

That Wiltful Destroyers and Cutters of Grownd Cornes, be punished to the Death as Thieves. *Jam. 6, Par. 11, Cap. 82.*

Covenant, see Leagues and Treason.

The National Covenant as Sworn and Explained in the Year 1638, and the Solemn League and Covenant, Declared Null and Void. *Ch. 2, Par. 1, Sec. 2, cap. 2.* The Act is Act for Preservation of His Majesties Person, Authority and Government.

Council.

Who Invades, or Pursue any of his Highnesss Session, Secrete Council, or Officers, it being Perished, and Tried, that the same was done for doing of the Kings Service, Shall be punished to Death. *Jam. 6, Par. 16, cap. 4.*

Commission to the Council for ordering the Homeliving of Bullion, and Discharging the Transporting of Gold, Silver, and forbidden Goods, under such pains as they shall think fit. *Ibid. cap. 9.*

Act Ratifying the Commission by King James the 6th, April 1603, to the Lords of Council: To receive Resignations of the Lands holden of his Majesty, and give Infeudments thereupon, Together with the said Infeudments; As also all Confirmations Granted by his Majesties Ordinary Officers, declaring the same passing His Majesties Cashier and other Registers, and Seals, to be as Valid, as if they had past under His Majesties own hand. *Jam. 6, Par. 20, cap. 14.*

The Kings Council Impowered to appoint Prices for Writs, omitted in the Act of Parliament made thereunto. *Jam. 6, Par. 23, cap. 19.*

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As also to set down and Impose Penalties for Justices of Peace, not keeping their meetings, As also to Amplify and Enlarge the Power of the said Justices as they shall see cause. *Cha. 1, par. 2, cap. 25*

As also to set Prices to Ale, Drinking-Beer, and Bread. *Cha. 1, par. 2, Sess. 2, cap. 15.*

As also to lay on Moderate Customs, at Bridges, Causies, and Ferries for Repairing, and Upholding the same, in case the Stent appointed by the Act be not sufficient. *Cha. 2, par. 2, Sess. 1, cap. 16, See it in Weyer.*

The Privy Council Impowered to put the Oath of Allegiance for Securing suspect Persons till the next Session of Parliament. *W. and M. Par. Sess. 2, cap. 14. Item,* They are Impowered to Disarm Persons not Qualified by taking the Oath of Allegiance and Assurance, and Seize their Horses above 100 Marks Value, in such manner as they shall judge most Effectual. *W. and M. par. 1, Sess. 4, cap. 6. Item,* They are Impowered to put whom they think fit to the Allegiance and Assurance, till the next Session of Parliament. *Id.*

Courts.

That All Men come to Courts in sober manner, with no more than are in his daily Household, and that they lay by their Weapons, and Sheriffs put Persons at Feeds under Lawhocks. *Jam. 1, par. 14, cap. 24. Stat. Jam. 2, par. 24, cap. 104, and Jam. 6, par. 2, cap. 140.*

That no Man Ride to Courts with more Persons than they may Sustain in Household daily, Except the Kings Officers in the Execution of Justice, or for such bearing of the Kings Authority. *Jam. 6, par. 4, cap. 28.*

In what manner Persons should compare in Criminal Causes. *R. M. par. 6, cap. 41. See it in Crimes, and both this Act with the former. Jam. 2, par. 14, cap. 24. Ratified under the pain of Unlawful Convocation as well against those Convocat, as the Convocator. Jam. 6, par. 2, cap. 140.*

That all Judges Fence and Keep their Courts at the Hour of Cause, which is declared to be Eleven Hours before Noon. *Jam. 6, par. 11, cap. 26.*

Courts of Guerra.

That no Courts of Guerra be holden by no manner of Person, under the pain of Slaughter, Roff and Disparage, on the Kings Leiges and his Authority. *Jam. 3, par. 1, cap. 70.*

Head.

An Abridgement of the Head-Courts.

That Free-holders compare at the Three Head-Courts.
Jam. 1, par. 9, cap. 130. See it in Free-holders.

That all Sheriffs, Stewarts, and Baillics, hold their Three Head-Courts by themselves, in proper Person, and that all Free-holders give Suit and Presence, if they owe the same, or send sufficient Suiters, if they owe but Suit.
Jam. 5, par. 6, cap. 71.

Crafts, and Crafts-men or Work-men.

That ilk Craft have a Deacon, to be Chosen by the Craft, with consent of the Officer of the Town, for Governing and Essaying all Works before the Crafts-men of that Craft. *Jam. 1, par. 2, cap. 39.*

That thir Deacons stand till the next Parliament, but have no Correction of the Craft, but allenarly Essay their Work. *Jam. 1, par. 5, cap. 77.*

That the Aldermen and the Council of ilk Burgh upon Oath, Prize the matter and Travell of Work-men, and made Work, and make the Price known to all; *Ibid. cap. 79.*

That no Work-man take more Work in hand, nor he may Fulfil, under the pain of the Value to the King, beside the fulfilling to the Parry, and that where a Work-man lets to fulfil his Work, another if free of other Mens Work, refuse not for just Fie, otherways to be punished at the Kings Will. *Ibid. cap. 80. The Act is of Wrights and Masons. and Jam. 5, Par. 7, cap. 111.*

Deacons of Crafts Discharged, and the former Acts appointing them Revoked. *Jam. 1, par. 6, cap. 86.*

That Councils in Burghs Choose a Wairden of every Craft, with Assistants to prize the matter and Workmanship of ilk Craft, and punish the Offenders, and that in Shires Barons gar prize in their Baronies, and Punish accordingly. *Jam. 1, par. 7, cap. 103. See Prices.*

That there be in ilk Burgh a Deacon of the Gold-Smiths, to Mark made Work, and his Fie a Penny of the Ounce. *Jam. 2, Par. 14, cap. 65, and Jam. 3, par. 13, Cap. 96.*

That no Crafts-men, nor Cordoners take Custom from such of their own Craft, As come to the Weekly Mercat, other then was wont by old Law, under the pain of Dying his Life therefore, as for Common Oppressions.
Jam. 4, Par. 4, Cap. 41.

That

That all Deacons of Craft, cease for one Year, and have no other power, but to Examine the Fineness of the Stuff, and Work. *Item*, That all Makers and Users of the Statutes, (that Wages be payed for Holy-Days, as well as for Work Days, and that no Crafts-men end the Work begun by another,) be punished as Oppressors. *Ibid. Cap. 43.*

Who have Biggings, and Reparation, either to Burgh, or to Land, may Choise Crafts-men Free or Unfree at their pleasure, and where he that Begins delays to End the Work, others may be taken in his place, and that no Crafts-man make Impediment thereto, under the pain of Tinsel of his Freedom. *Jam. 5, Par. 7, Cap. 211, Ratified Jam. 6, Par. 19, Cap. 4.*

That there be no Deacons of Crafts, but a Visitor of every Craft Chosen Yearly by the Provost, Bailies, and Council of the Burgh, to Visite the Craft Leilly upon Oath, but without any power to Gather or Convene the Craft, and this Visitor to have Vote in Choising of the Officers, and otherways as Deacons had. *Item*, That no Crafts-man Bruick Office within Burgh, Except two of them coe Chosen Yearly on the Council, and on the Auditing of the Compts of the Common Gude, and the Breaker of this Act, to be punished by Wairding for a Year, Tinsel of Freedom, and the Escheat of a Third of their Moveables. *2. M. Par. 6, Cap. 52.*

Creditor.

That no Deed made by a Rebel Un-relaxed be Valid against a Creditor. *Item*. That no Gift of Escheat, Assignation or other Right thereto, alledged made in Defraud of the Creditor, and in Favours of the Rebel, be Valiable, if it be instantly Verified by Writ, That the Rebel is still at the Horh for the same cause, and that it be a good Exception against any pretending Title, by Assignation, or Gift of the Rebels Escheat; That he, his Wife, Bairns, or Friends remain in Possession to his Bo-hoove. *Jam. 6, Par. 12, Cap. 145. See Fraudful Ali-nations, Bankrupt, Debitor and Creditor, and Escheat; The Act is, anent the Escheat of Rebels.*

Crimes and Criminal Process.

Crimes may be Pursued by the Sheriffs in the Kings Name, if no follower appear. *Jam. 1, Par. 14, Cap. 140, and Jam. 6, Par. 11, Cap. 76.* And that the Law
for

for Seven Years (fra the Year 1434.) he holden where the Trespass was done, without deterring to Regalities or Burrows therein. *Jam. 1, Par. 14, Cap. 148.*

That in Criminal Pursuits, the Letters be subscribed by the Writer, and Justice Clerk, and his Deputes, and that the Justice Clerk take Soverry for Reposing the same, under the pains contained in the Letters. *Item,* If the Defender in mutilation be Affoizied, or a multitude called for any Crime, and be found Innocent, The Pursuer shall be in an Unlaw of Ten Pounds less or more to the Defender, and pay the Expences of the Affoizours, at the Discretion of the Justice, and who has not in Guide, may be punished Corporally. *Jam. 5, Par. 4, Cap. 35. Item,* The Accused being found Innocent, that their Expences be modified by the Justice Justice Clerk and their Deputes, beside the foresaid pains for such as are Acquitt, or Past from. *Jam. 6, Par. 12, Cap. 87.*

In Criminal causes the Pursuer may compare with Four, and the Defender with Six of his Freinds, and no more, otherways the Justice may Charge the Breaker to enter their Persons in Ward, there to remain during the Queens pleasure, under the pain of Rebellion, and if they Disobey put them to the Horn. *Q. M. Par. 4, Cap. 42.*

That no Criminal Letters be direct against Complices in General, but against special Persons complained upon: And that no Officer presume to Charge Complices given in Bill. *Item,* That he Summitt no more Persons without special warrant to be Affoizours, than Four Five given him by the Pursuer in a Roll Subscribed by him, or an Notar for him; which Roll shall be Annexed to to his Execution unaltered, and that under the pain of Five hundred Merks and Deprivation, and his Person to be in the Kings Will. *Jam. 6, Par. 6, Cha. 76.* The Act is for the Remedy of the Fraud and Disorder used by Officers of Arms &c.

That no Officers Summond more Persons on Affises but as above, nor put out, nor put in the saids Rolls for Gratitude or Good Deed, under the pain to be punished as an Oppressor to Death. *Jam. 6, Par. 11, Cap. 88.* But now the Roll of the Affoizours is appointed to be signed by the Judges. *Cha. 2, Par. 2, Sess. 3, Cap. 16.* Concerning the Justice Court. That the Unjust Pursuer in Criminal Pursuit, if the Persons be Acquitt, and within the Number of Ten, pay Ten Pounds, and if more Twenty Pounds; and that Doom be given therefore, and the Party kept in Waird until he make payment. And if the

the Kings Advocat be only Pursuer, that his Inferiour be lyable, and Letters of Horning and Poinding therefore summarly direct on the Act of Adjourned. *Item*, That the Justice Clerk, and his Deputes take Soverry at the giving of Criminal Letters for the Reporting of them duly Execute, and that the Raiser shall Inlist under the pains contained in the Act of Parliament. *Jan. 5, Par. 5, Cap. 78.* See the pain in *Par. 1.* Capital Crimes are reckoned, Treason, Slaughter, Mutilation, Adultery, Incest, Theft, Common Oppression, Usury, Perjury, and Falshood. *Jan. 6, Par. 3, Cap. 132.* The Act is, The causes and manner of Deprivation of Ministers.

That the Soverry to be found in Criminal Pursuits by the Pursuer to Report &c. And the Defender to compare, be found by them also for their comparing in sober manner, with the Numbers prescribed. *2, M. Par. 6, Cha. 41.* Reckoning their Proloquators, otherwise the pains to be Incurred by the Pursuer, and the Defender to be Adjudged Absent and Fugitive. *Item*, That the Justice and his Deputes, make Record of the Persons present in Court, contrary to the said Act, and cause Denounce them. *Item*, That in the Premisses Denunciation made at the Mercat Cross of the Head Burgh where the Justice Court sits, and Registration in the Journal-Books, shall be as sufficient as Denunciation and Registration, in the Shire where the Rebels Dwells. *Jan. 5, Par. 8, Cap. 140.*

The Thesaurer and Advocat may Pursue all Crimes, albeit the Parties should be silent, or agree. *Jan. 6, Par. 12, Cap. 76.*

That all Criminal Libels, Libel Art and Part, which part of the Libel shall be Relevant against all Exceptions. *Jan. 5, Par. 12, Cap. 151.*

That in all Criminal Pursuits, the Defender or his Advocats be the last Speakers, Except in cases of Treason and Rebellion against the King. *Item*, That the Defender have the List of Witnesses to be made use of against him, given him with the Libel; And the Pursuer in like manner such as the Defender intends to use for Exculpation with the Summons thereof. *Cha. 2, Par. 3, Sect. 3, Cap. 16.* Concerning the Justice-Court. See *Justices.*

That where in Capital Crimes, Inferiour Courts were obliged to Try and Execute within three Sums, this Restriction is limited to the Trial and Sentence only, but the Execution left to the Discretion of the Judge.

not Exceeding Nine Days. W. and M. Par. 1. Sess. 3.
Cap. 4.

Crowner.

The Crowner shall Arrest as well before, as after the Cry of the Justice Air, but only such as shall be given to him in *portuous* by the Justice Clerk, and none other. *Jam. 1. Par. 13. Cap. 139.*

That the Crowner receiving his *Portuous* and *Traiffes*, if there be any Person therein, that he dares not Arrest, that he go to the Barron or Sheriff, and if they refuse to be Sovery for the Persons Dwelling within their Respective Bounds, That they Assist and Fortify him for Arresting the saids Persons, under the pain of Ten Pounds to be payed by them to the King. *Jam. 3. Par. 14. Cap. 99.*

That the Crowner do not Intromet with the Goods of Men Convict, but by the Sheriffs warrand, under the pain of Reiff, and that the Sheriff give the Crowner no more than his due. *Ibid. Cap. 102.*

That the Crowner should have of the Goods of Persons Convict, the Dantoned Horse deputed to Work, and not to the Saddle, never Shod, nor used to Shoone. *Ibid. Cap. 113.*

That the Crowner Arresting Persons at their Dwelling places, and Paroch-Kirks, take Sovery of them, and Arrest their Goods untill the said Sovery be found, or else Ward the Persons or Deliver them to the Sheriff. *Jam. 5. Par. 3. Cap. 5.*

If the Crowner cannot apprehend Personally, it is enough that he warn the Person to be Arrested at his Dwelling place, and make Publick Intimation at the Paroch Kirk next Sunday thereafter, which shall be an sufficient Arrestment, The Crowner proving it by his own, and one Witness Oath. *Jam. 5. Par. 4. Cap. 34.*

Cruves and Zaires.

That all Cruves and Zaires, set in fresh Waters where the Sea Flows and Ebbs, be Destroyed, under the pain of an Hundred *Sbillings*, and that they that have them in fresh Waters, where the Sea Flows not, keep the Saturdays Slop, and suffer them not to stand in forbidden time, under the said pain, and that ilk Heck of the saids Cruves, be Three Inches Wide. *Jam. 3. Par. 3. Cap. 11.*

Ratified

Ratified with this Addition, That the Mid-Stream in Fresh Waters be left free by the space of six foot under the pains of Five Pounds. *Ja. 3. Par. 10. Cap. 74.*

Again Ratified, But the Mid-stream ordered to be left free by the space of five Foot; That ilk Heck of Cruves be five Inches wide, (but three Inches is found by the Lords, to be the just measure) and that Sheriffs, Stewarts, &c. Execute the Act anent Cruves, under the pain of Twenty pounds. *Ja. 4. Par. 2. Cap. 15. and Ja. 5. Par. 4. Cap. 16.* And the Holders of Cruves against the Laws, to be punished as slayers of Red-Filh, Salmond and Smolts, *Ibid. Cap. 17. See Salmond.*

The Act *Ja. 4. Par. 2. Cap. 15.* Ratified: And farther, that all Landed Gentlemen put the Acts for putting down of Cruves to Execution within their bounds, under the pain of an Hundred pounds. And if they fail, that Sheriffs and Baillies do it under the like pain. *2. M. Par. 9. Cap. 68.*

Ratified, and Sheriffs, Stewarts, Baillies, Lords of Regality, and Magistrates of Burghs next adjacent, are empowered to cast and hold down the saids Cruves, and to convocat the Leidges for that effect. *Jam. 6. Par. 6. Cap. 39.*

A Commission given to certain Judges within their Respective Bounds through the Kingdom granted for this end, without prejudice, to such as are duely Infeft, and in possession of holding of Cruves, Lines, and Caupes within Fresh Water, providing they keep the Saturdayes sloop, and due wideness, of the hecks *Jam. 6. Par. 7. cap. 111.* No mention here of keeping the Mid-stream free.

Cunninggars and Cummings.

Destroying of Cunninggars and Cummings a point of dittay, *Jam. 1. Par. 2. Cap. 33. and Jam. 2. Par. 14. cap. 88. See Theist.*

That no man take Cummings out of anothers Cunninggars, under the pain of Dittay and Theist. *Jam. 3. Par. 7. Cap. 61. 2. M. Par. 6. Cap. 58.*

Ratified, with Augmentation of the pains pecunial, to Ten, Twenty, and Fourty pounds, or Corporal, of Prison, Stocks, and Death, for the first, second, and third Faults, *Jam. 6. Par. 6. Cap. 84. See Theist.*

Cunzie, or Coynage, see Bullion and Money.

The Cunzieour not observing the Standard of the Groat, Times Life and Goods, *Jam. 4. Par. 2. Cap. 17. Act for*

a free Coynage in manner therein fully set down; And the Standard of Fineness for Silver Coyne, declared to be Eleven Deniers, two Graines. *Item*, The Officers of the Mint may not directly, or indirectly bring any Bullion to be Coinzied: *Item*, The Inbringers of Bullion are to be answered on their demand, in the outgiving of Coinzied Money, without any preference. *Item*, That there be a Clerk in the Mint Office, for keeping of two Records, one of the Bullion given in, when; and by whom, and another of all Money Coinzied, And that the Master of the Mint, or his Deputies give a note of Receipt to the Inbringer of Bullion, and give him out his Coined Money, at the times set down in the Act. *Item*, That there be no stop by Forfeiture, Confiscation, Arrestments, or other restraint whatsoever, to hinder Bullion inbrought to be returned to the Ingiver, his Heirs or Assigns. *Item*, That Coynage be free to Natives and Strangers, and that no refuse be made to take in, the Coin Bullion; But in case the Bullion brought in, shall exceed the Pond here given, for a free Coinage, then the Treasurer by Appointment of the Council, shall advance the Sum of 18 *lib. Scots*, for each Stone of Bullion, until the next sitting of Parliament; And if the Treasury refuse, the Officers of the Mint are free. *Item*, A particular definition of the species of the current Coin, to be Coinzied in this Kingdom, and of its weight, but with power to the Council, to alter the weight for the good of the Kingdom. *Item*, There is allowed for the remeids of weight, in case of accidental mistake, two grains up or down upon every 3 *lib.* or 40 *shilling* piece, and so forth; And for the remeids of fineness, in the case foresaid one grain up or down upon every Twelve *shilling* weight, but working upon the remeid strictly prohibue, and that a Record be kept of these Remeids, to be computed for yearly in Exchequer; And the Essay to be made in manner set down in the Act, And that all Silver Coin be lettered or grained, and the Council Empowered to order what species of Money, shall be Coinzied in each Stone weight of Money: As also to regulate the Fineness, Weight, and Species of the Gold Coin, when His Majesty shall grant warrant for it.

Item, That no Copper be Coinzied, without His Majesties express warrant, and that in Two penny, and Six-penny pieces; And that 40 of the Six-penny pieces, and 132 of the Two-penny pieces, make a pound. And that every Journal, of Copper, be tryed, by the Council; And the profit thereof computed for, to the Exchequer. *Item*, 12000 *lib. Scots*, of the Imposition, given by this Act, appointed

pointed to pay the Officers of the Mint, and to Maintain its Fabrick, and to provide Coals, and for other accidents, in the propositions here set down. And this beside the 18 lib, per stone, to the Master of the Mint, for Coinage of the Stone of Silver, (But this 18 lib, augmented to 20 lib, W. and M. Par. 1, Sess. 2, Cap. 35) Item, That no Heads, Sweeps, or Chizel of Gold and Silver be Coinied, without a new Essay to be taken, as of Bullion inbrought. Item, The oversight and Examination of the Mint, and its Officers, and that every Journal be tryed by its self, committed to the Council, Jan. 7, Par. 1. Sess. 2, Cap. 24.

But its left to the Council after tryal of one or more single Journals, to mak down and try the whole in one Mass, or to try by distinct Journals, as they shall think fit. W. & M. Par. 1. Sess. 5, Cap. 17.

The pain of false Coin, or of any way diminishing, or falsifying the allowed current Coin of the Kingdom, declared to be Death and Witchet, and all former Acts, against false Coiners are ratified. Sess. 6, Cap. 42.

Curators, *see* Minors, and Tutors.

That a Minor desiring Curators, come before his Judge Ordinary, and take out an Edict to warn two at least of the most honest of the Minors Kin personally, or at their dwelling places, and all others having interest generally at the Mercat Cross of the Shire, where the Minor hath his Lands or Goods, upon Nine Days Warning, to hear the Curators desired, given unto his perfect Age, of Twenty Years compleat, and Caution bound de solci; And, Curators being thus given, no other to be chosen, nor they to be removed, but by Order of Judgement. 2. M. Par. 6 Cap. 35.

That the nearest Agnats and Kins-men of natural Fools, Idiots, and furious persons be served, received and preferred, according to the disposition of the Common Law, to their Tutorry and Curatory, Ja. 6. Par. 10. Cap. 18.

That Curators ought to make Inventory of the Minors Estate and means. Car. 2. Par. 2. Sess. 3. Cap. 2. See the Act in Tutors.

Curseing, and Cursed Persons, *see* Excommunication.

That Caption be given against Cursed Persons, and if they flee, that their Goods be distrennied, and if they have no Goods, that they be put to the Horn, and this to endure untill the next Parliament. *Jam. 2, Par. 6. Cap. 11.* That beside Letters of Caption, that may be given after Fourty Dayes, against persons Cursed, Letters of poinding, and Apprying, be also direct against them for payment of the Debt, or Letters of Four Forms, for doing of the Deed, The ground of the Sentence of Curseing. *Jam. 5, Par. 14. Cap. 9.*

Addition to this Act, in case of Appellations, (now in desuetude) *Ibid. Cap. 36.*

That Persons Cursed, lying in that state Year and Day, or receiving Sacrament therein, unreconcealed, tine all their Moveables as Escheat to the Queen, with preference to the Creditor at whose instance, they are denounced Cursed. *R. M. Par. 4, Cap. 7. See Excommunication.*

Customes.

Great and small Customes, within the Burrow Maills, are to abide with the King to his living, *Jam. 1, Par. 1, Cap. 8.*

That of Nolt, Horse and Sheep had out of the Realm be payed for Custome, Twelve Pennies for Pound of the value; And of ilk Thousand Fresh Herrings sold, a penny by the Seiler; And of ilk Last of Herrings taken by Scots-men, and Barrelled Four Shillings, and if by Strangers Six Shilling, and of ilk Thousand Red-Herring made in the Realm Four pennies. *Jam. 1, Par. 1. Chap. 21.*

Customes of Mertrick, Two shilling per peice, for an Hundred Cunning Skins, Twelve pennies, &c. *Ibid. Cap. 22.*

Customes of ilk pounds worth of Woollen Cloath had out of the Realm Two shillings, of ilk pounds worth of Salmond bought, and had out by Strangers, Thirty pennies and of ilk pounds worth of English Goods brought in thirty pennies *Jam. 1, Par. 2. Cap. 40.*

They that have out of the Realm Merchandice not paying the Custome, either Gold or Silver to be banished with

without Doom, but prejudice of other pains. *Jam. 1, Par. 7 Cap. 101.*

That Customers take no more Custome, nor is due under the pain of oppression, *Ja. 4, Par. 4, Cap. 45.*

And Ratifying former Acts about the Customes, and that a Custome Roll be made, and the sack of Wool to contain but Twenty Four Stone, and the Hundred Skins Six Score, and the dozen of Cloath, Twelve Ells allenarly, *Jam. 6. Par. 7, Cap. 108.*

That taking of unlawful Customes discharged, under the pain of oppression and that no Custome be taken, but according to our Old Laws, and Acts of Parliament; And whereupon the uptrakers have special warrand, at least have been in possession past memory of Man, *Jam. 6, Par. 11. Cap. 54.*

That Customers and Searchers committing fraud in suffering forbidden Goods to be transported, tine their Moveables, and that their persons be in the Kings Will. *Ibid. Cap. 89.*

Item, That they compear yearly in Exchequer, and make Faith, that they have done their duty truly: And if they have been found guilty of suffering, forbidden or uncustomed Goods to be transported, that they be deprived, and tine their Moveables. *Jam. 6, Par. 13. Cap. 168.* The Act is, The pain of wrongous Customers.

That all Packs of *English* Cloath be brought whole unbroken up to the Custome-House, and that no *English* Goods be concealed, in defraud of the Custom, under the pain of Confiscation, if found, and of the avail if not found.

Item, Customers are impowered to search Boords and Houses, and confiscat and intronnet with all *English* Goods uncustomed, or *English* Cloaths unsealed, and if need beis to make doors, and other Lockfast-Looms open; And, that the Resistors be punished as deforcers. *Item,* That Magistrates of Burghs give concurrence, when required. *Jam. 6, Par. 12. Cap. 131.* The Assise herring are a part of the Kings Custome. *Ja. 6, Par. 15. Cap. 237.*

That all Cloath and other Merchandice. whatsoever brought from Forreign parts, pay Custome at the arrival, at the rate of Twelve pennies per pound of the value; And that therefore an *A. B. C.* Be made of these Wares. and their prices. As also of such Goods transported, as are not in the *A, B, C.* Thereof already made; But prejudice to Noblemen, Barons, and Free-holders of their priviledge of sending their Goods outward, and bringing home Wines, Cloath, and other furnishing for their own use. *Ibid. Cap. 25.* See the Act, *Jam. 6, Par. 12, Cap. 152, in Burgh.* That

That the forbidden Goods aforementioned, if Licensed to be transported, pay Custome, as follows: The Stone of Wool Five shillings, the dozen of Ells of Linnen-Cloth Four shillings, and each Boll of Viscial Five shillings, and each Pounds worth of forbidden *Englisb* were licenced to be imported, Twelve pennes, *Jam. 6. Par. 15. Cap. 258.*

That none Import or Export uncustomed Goods, under pain of Escheat of their Moveables, the uncustomed Goods to be meddled with by the Comptroller, the rest by the Thesaurer: And Licences not passed in Council, and through the Seals, and composed, are declared null, *Ja. 6. Par. 16, Cap. 15.*

That each Web, Peice, or Stick of Cloth, Silk or Stuff imported, be sealed by the Customers before it be presented to Mercat, under the pain of Escheat thereof: And they are impowered to require, and take the Oaths of Merchants, anent what Goods they had then uncustomed, and to Seal these with their other Goods already Customed, *Ja. 6. Par. 16.* That the Customers keep a Book, and take notice of all Goods Exported, or Imported to and from *England* to be sent twice a Year to the Customers of *England* upon the like performance from them, and they send returns for dischargeing of bonds mutually to one another, *Ja. 6. Par. 18, Cap. 6.* See the rest of the Act in *England.*

Act dischargeing all Customs and Impositions not allowed by Act of Parliament, Especially the late Two, and an half *per cent.* and four pounds on the Tun of Wine, and all raising of Customs without consent of Parliament: As also the taking of Merchants, Masters, or Mariners Oaths, in matters of Customs. *Item,* That all Goods imported, and again Exported, paying inward Custom, be free of outward as the use in *England.* *Item,* Upon consent of the Burrows a Commission is ordered to be drawn to the Duchiquier, to establish the Books of Rates, as the price of Merchandice now rules. *Char. 2. Par. 1, Cap. 17.*

Act concerning the Customs and Excise, and how the payers of the Customs may be proceeded against and put to their Oath, notwithstanding any former Acts. *Char. 2. Par. 2, Sess. 1, Cap. 12.* See the Act in *Excise.*

Customs Augmented on Tarr and Iron Imported. *1644. Cha. 14.* The Act is concerning the Exportation of Currant.

Customs of Brandy Imported, Eight Pounds per Tun, and of Musc-Bois, Twenty Shillings per Barrel, the Bar-

rel not Exceeding Twelve Gallons *Ch. 2, Par. 2, Sess. 4, Cap. 2, See Linnen Cloth.*

Additional Custom after *Martinafest 1696*, given to his Majesty, upon the Forreign Commodities Specified in the Act, in Requital of the Encouragement given to the Exporters of Victual, and the Customers are Discharged to give any Abatement thereof under the pain of Deprivation and Losing the Benefit of their Tack. *W. and M. Par. 1, Sess. 5, Cap. 34, Fifty Shilling Imposed upon each Hunder Weight of Cords or Rops Imported from the Sound or East-Sea for Sale, and to be Exacted by the Customers, under the pain of 500 Merks, half to the King, half to the Informer, and Deprivation and Confiscation of the Goods Imported. Sess. 7, Cap. 13.*

D.

Dammage, see Expence.

Deacon, see Craft.

Dean of Guild, see Guild.

Death-Bed.

THis Etception, that the maker of the Deed, Lived Threescore Days thereafter, Declared sufficient to Elide the Reason of Death-Bed, as to all Deeds in time coming. *W. and M. Par. 1, Sess. 6, Cap. 4.*

Deer, see Wild-Beasts.

Debitor and Creditor.

Discharge of Personal Execution for Six Years after *Whitsunday 1691*, For all Debts Exceeding a Thousand Pounds Contracted before *Whitsunday 1698*, in manner provided in the Act, but in case a Debitor have Voluntarily Renounced the Benefit of any Act of this Nature, made or to be made, the same is declared to be of Force and Effectual; As also that the Law, as to all Debts and Payments, shall be observed Inviolably hereafter. *Ch. 2, Par. 1, Sess. 1, Cap. 61, The rest of this Act in Comprising and Words.*

Debt

An Abridgement of the Debt Publick.

Act Discharging such as during the late Troubles gave Bonds for Sums imployed for the use of the Publick, and their Heirs and Executors, with the saids Bonds themselves, and all that hath followed, or may follow thereupon simpliciter, providing the Persons claiming the Benefit hereof, take the Test: That is the Principal Debtor for himself and his Cautioners, or if he do not each Cautioner for his own part. Dispensing with the Heirs and Executors of the late Duke of Rothes, And also Dispensing with the Heirs and Executors of the Earls of Cassils and Lothian, for Debts contracted in the Year 1650 for his Majesties use. *Chs. 2, Par. 3, Cap. 26.*

Declaration.

Act for Signing the Declaration thereinset down, by all in Publick Trust, at, or before their Admission thereto: Under the Pain, That if they Enter or Exercise without doing the same, they shall be punished as Usurpers of his Majesties Authority, and their places disposed upon to others. *Chs. 2, Par. 1, Sess. 2, Cap. 5.* The same again enjoined, with the methods how, and when the same is to be Signed by all in present Trust; and such as refuse, when Elected to be Magistrates, Clerks, or of the Council of Burghs, to Sign this Declaration, do also farther amit their Liberty as Burgessees. *Ibid. Sess. 3, Cap. 3. See Test. Chs. 2, Par. 3, Cap. 6, and Cap. 25.*

Declinatour.

The **Act Jam. 6, Par. 16, Cap. 216**, That no Lord of the Session, sit or Vote in the Causes of their Father, Brother, and Son, Extended to the like degrees in Affinity: To wit, Father, Brother, and Son in Law, As also that they do not sit or Vote, where they are Uncle, or Nephew, to either Party; And this **Act** Extended to the Lords of Council, Exchequer, and Justiciary, and all other Judges, who may be declined, when related in the Degrees foresaid. *Chs. 2, Par. 3, Cap. 13.*

Decreet.

That on all Decrets given by the Lords of Session, or other Decrets whereunto their Authority is Interponed, Letters as well of Horning as Poinding be Direct, whether the Decreet be given for a Liquid Sum, or that the Execution consist in *falso*: And that no Suspension be Granted, Except real offer be made, and refused, and upon

upon Conflagration, consideration always had of the Days of the Charge, Distance of the Party, and Quantity of the Sums. *Jam. 6, Par. 8, Cap. 139.*

Deeds, *see* Writs.

Defence of the Realm, *see* Host, and Weapon-shawing.

Defender.

The Defender not Compearing, should be decerned in Costs and Scaits to the Party Compearing, and Fourty Shillings to the Judge. *Jam. 4, Par. 3, Cap. 30.*

Persons Accused of Treason or other Crimes, may freely Defend themselves by Advocats. *Jam. 6, Par. 11, Cap. 34. See Advocats.*

Deforcement.

That the Lords proceed summarily in Actions of Deforcement, to put them to a point without intermission, and the Persons Convict of Deforcement to be punished by the Escheat of Moveables, and their Persons at the Kings Will, And that their Escheat be burdened with payment of the Debt, the Parties Expences highly Taxed, and a Sum to be modified by the Lords for their Dammage in the first place. *Jam. 6, Par. 7, cap. 118.*

Deforcers of Officers in Executing their Offices, may be called Civilly, or Criminally, and their Lives and Goods are in the Kings Will, *Jam. 6, Par. 11, Cap. 85.*

An Officer or Sheriff in that part being Deforced, Molested, Invaded, or Pursued to the Effusion of Blood; in the Executing of any Summons, or Decreet, by the Person Summoned or Charged or any other of their causing, the Deforcer or Invader, tines all his Moveables, half to the King, half to the Party, and the Execution is declared Lawful. *Jam. 6, Par. 12, Cap. 150.*

Demembration.

Demembration by Fore-thought-Fellony, punishable by Death. *Jam. 4, Par. 3, Cap. 28.*

Denunciation, *see* Horning.

Depon-

84 *An Abridgement of the* **Deponing against Delinquents.**

Act Declaring it to be the Duty of every Subject without Exception, to declare and depone upon Oath, when called by the Privy-Council or any other having Authority from his Majesty, their knowledge of any Crime against the publick Peace and Peace of the Kingdom, Especially of Conventicles and other Unlawful meetings, and of the Persons present and things done therein, or of the Refecting or Intercommuning with Fugitives, and Rebels, and that who refuse or delay be punished by Fining, Imprisonment or Banishment to the Plantations in the Indies, or else where as the Council shall think fit, provided that no Mans Deposition against another, shall make against himself, lose of Life, or Member, or Banishment. *Chc. 2, Per. 2, Sess. 2, Cap. 2.* The Act is, Act against such who shall refuse to Depone against Delinquents.

**Depredation, see Robbery
 and Spulzie.**

Dice, see Cardes.

Dilapidation.

That Ministers provided to Benefices under Prelacies, make no Disposition of the Rents thereof, to the prejudice of their Successors or Diminution of the Rents, under the pain of Deposition, both from Office and Benefice, and their Set and Location, be declared Null. *Item, 6, Per. 7, Cap. 101.*

That all Persons provided to Bishopricks and other Benefices whatsoever on his Highness Confirmation, and Consecration to the Clerk, at the passing of their Letters, to have the same at their Death, or Dimission, Death or Winter, and all Rents, Tithes, Penions, Changing of Spiritual into Money, or other Disposition to the contrary, are declared Null. *Item, 6, Per. 10, Cap. 21.*

Ratified, And that no Person provided to a Bishoprick, Dispose or give in Reason, any part thereof, to endure longer, then he shall touch the said Bishoprick, and if he shall Discontinue any part thereof, the same as an Act Deed of Dilapidation. *Item, That no Bishop set in Sew or Tack, or Dispose otherwise of any part of their Rents, without consent of their Chapter, or consent of part of them. But no necessity that the Chapter be Chapterly Convened for that Effect. Item, That Rental be made*

made of their Bishopricks, to remain in their Integrity in all time coming. *Jam. 6, par. 18, Cap. 3. See Bishop.*

Ratified, Declaring all Tacks of Quotes of Testaments or other Casualties pertaining to Prelates, to be Set in time, coming to be Null; And that they can only Dispose or Set the same during their own Lifetimes alienarly. *Jam. 6, par. 22, Cap. 5.*

Diffolution, *see* Annexation.

Act of Diffolution, That his Majesty may set all his Lands Annexed, or not in Few-Form, sua that it be without Diminution of his Rental, and other Duties. *Item,* The Diffolution is but for the Kings Life, albeit the Few Set by Vertue thereof, stand perpetually. *Jam. 4, par. 6, cap. 90.*

Act of Diffolution, *Jam. 5,* sua that it be not in Diminution, but in Augmentation of the Rental. *Jam. 5, par. 7, cap. 116.*

Act of Diffolution, *Jam. 6.* In order to the Setting of Fews, providing they be not Set within the Just Avail, which is declared to be the Duty, to which the Lands are, or may be Retoured for the new Extent. *Jam. 6, Par. 9, cap. 6. Anno 1584. Rescinded Anno 1594.* As also all Acts of Diffolution made by Kings in their Minorities, albeit the same with the Infeiments thereon be Ratified in Parliament, in their Majorities. *Jam. 6, Par. 14, cap. 207.*

Another Act of Diffolution, in order to certain Lands therein exprest, bearing the ordinary Conditions, and the Earldom of Ross, and Lordship of Ardmearch, the Patrimony of the Kings Second Son, are also contained in this Diffolution. *Jam. 6, Par. 11, cap. 30, Anno 1587.*

Diffolution of all Annexations of Forefaulted Lands, where the Forefaulters are Reduced. *Ibid, cap. 31.* The Act is, The Kings General Revocation, General Diffolution of all Lands pertaining to the Crown, and Un-annexed, to be Set in Few with Augmentation of the Rental, and with Preference of those they have already Few Infeiments thereof, providing they renew the same betwixt, and a Day perfixed, Excepting from this Act, The Kings Castles, Palaces, Yards, Woods, Parks, Forests, Pastures, and in special the Lowmonds of Falkland, Coal-Heughs and Offices. *Jam. 6, Par. 14, cap. 204.*

But the Ground of Demolishing Castles, with the Bounds,

Bounds, Meadows, and Lochs thereto belonging; As also his Majesties Coal-Heughs are also Dissolved, to be Set in Few with Augmentation of the Rental. *Jam. 6, Par. 16, cap. 18.*

Dissolution of the Lands and Earldom of Gowry, especially the Lands of *Huntingtower*, and Lands of *Strabrand*; to be Set in Few, for Augmentation &c. Declaring certain parts thereof to be Dissolved to be Set in Blench to the Earl of *Montrose*. *Jam. 6, par. 18, Cap. 18.*

Dissolution of the Lowmonds, and Moores of *Falkland*, to be Set in Few-Ferm for Augmentation &c. *Ibid. Cap. 19.*

Dissolution of the Annexed Property to be Set in Few-Ferm for Augmentation &c. But Excepting the Kings Castles, Palaces, Yards, Woods, Forrests, Parks, Pastures, for Sheep and Nolt, and in special the Lowmonds of *Falkland*, Coal-Heughs and Offices, and the Dissolution to endure *ut supra*. *Cha. 1, par. 1, cap. 11.*

Dissolution of the Lands of *Cessnock* and *Duchall*, in Favours of the Earl of *Melfort*. *Jam. 7, par. 1, Sess. 2, Cap. 1.* But the Forefaulures of *Cessnock* and *Duchall*, wch this Act are Rescinded. *W. and M. Par. 1, Sess. 2, Cap. 18, and 28.*

Dissolution of the Lands and Barony of *Torwoodlie*, from the the Crown in Favours of Lieutenant General *Drummond*. *Jam. 7, Par. 1, Sess. 2, cap. 7.* But *Torwoodlies* Forfeiture with this Act Rescinded. *W. and M. Par. 1, Sess. 2, cap. 18, and 28.*

Dissolution of the Lands of *Mollaystanes*, and the other Estate of *Jerviswood* from the Crown, in Favours of the Duke of *Gordon*. *Jam. 7, Par. 1, Sess. 2, Cap. 19.* But *Jerviswoods* Forfeiture with this Act Rescinded. *W. and M. Sess. 2, Cap. 18, and 28.*

Dissolution of the Lands of *Earlestown*, *Cranchlew* and *Cartloch* from the Crown, in Favours of Sir *Theophilus Ohelshrop*. *Jam. 7, Par. 1, Sess. 2, Cap. 26.* But these Forefaulures with this Act Rescinded as above.

Dissolution of the Lands of *Grange* in Favours of Sir *Thomas Kennedy*, and of the Lands of *Cultvess*, *Noribberwick* and *Goodreer*, in Favours of the Earl of *Arran*. *Jam. 7, Par. 1, Sess. 2, Cap. 27, and 28.* But these Forefaulures with these Acts Rescinded. *W. and M. Par. 1, Sess. 2, Cap. 18, and 28.*

Dissolution of the Lands pertaining to the Earl of *Tarbat* in Favours of the Earl himself. *Jam. 7, Par. 1, Sess. 2, Cap. 29.*

Act,

Act, Dissolving from the Crown all Forfeited Estates Annexed to the Crown in the Reign of King *James 7th* W, and M, Par, 1, Sess, 2, Cap, 19.

Act, Dissolving from the Crown, the Estate of *Pol-warsh*, 22, of July 1690.

Act Dissolving from the Crown, the Estate of the Earl of *Melvil*, 22, of July 1690 Ratified 12, of June 1693.

Dogs, see Game.

Donations Pious.

Gifts, Legacies, or Donations for Pious Uses, may not be Inverted from the Specifick Use destinat by the Disposer, and the Persons intrusted are made Comptable for the same, and ordinary Profites thereof to the Kirks, Colledges, and others to whom they are Disposed, or to the Bishop of the Diocy, for their Use, and this Extended to all such Dispositions made since the Majority of King *James the sixth*, and that Letters be thereon Diss. Cha. 2, Par, 1, Cap, 6.

Doomes.

The form of Falsing of Doomes, and the Falser to offer a Borgh, Assign a Reason, and Protest for more, *Jam*, 3, Par, 9, Cap, 116.

The Process of Falsing of Dooms now not in Use, *Jam*, 4, Par, 6, cap, 95.

The Words to be used in Falsing of Dooms Changed, *Ibid*. Cap, 99.

Dowcats and Doves.

Destroyers of Dowcats a part of Dittay, *Jam*, 1, Par, 2, cap, 33, See it in *Theist*.

That no Man Break, or Take, or Steal Doves out of Anothers Dowcat, under the pain of Theist, *Jam*, 3, par, 7, cap, 61, *Jam*, 4, par, 6, cap, 69, 2, M, par, 6, cap, 58, Ratified with an Augmentation of the Pains, even to Death, against such as can not pay the Fines, *Jam*, 6, par, 6, cap, 34, The Act is, Act against Destroyers of Planting &c. and *Jam*, 6, par, 19, cap, 4. See *Theist*.

That Lords and Lairds make Dowcats &c. *Jam*, 4, par, 6, cap, 74, See it in *Planting and Policy*.

That no Man have Liberty to Build a Dowcat in Burgh or in the Country, Except he have Lands and Teinds, to the Value of Ten Chalders of Victual Yearly, within

two Miles of the said Dowcat, and he may only Build one and no more, Jam. 6, par. 22, cap. 19,

Drunkennes.

That all Persons Convict of Drunkennes or Haunting of Taverns, and Ale Houses after Ten of the Clock at Night, or at any time of the Day, Except the time of Travel, or for Refreshment, pay for the first Fault Three Pounds, or be put in Jogs or Jayle six Hours, for the Second Five Pounds, or be put in Jogs or Jayle Twelve Hours, and for the Third, Ten Pounds, or Stock or Jayle Twenty four Hours; And if they thereafter Transgress, to be put in Jayle till they find Caution: And all Sheriffs, Stewarts, Provosts, Bailies, Justices of Peace, and Kirk-Sessions, are Impowred to Execute this Act, and Apply the pains *ad Piam & Necessarios Usus*. Jam. 6, Par. 22, Cap. 27.

Ratification of all Acts against Drunkennes, and farther, who Drink to Excess shall pay: The Nobleman Twenty Pounds, The Baron Twenty Marks, The Gentleman, Heretor, or Burgess, Ten Marks, The Yeoman Fourty Shillings, and the Servant Twenty Shillings *toties quoties*, And the Minister the Fifth part of his Stipend, and the Fines to be Applied as in the Act among the Justices of Peace, made this Parliament, and the unable to pay, to be punished in their Persons. Chap. 2, Par. 1, Sess. 1, Cap. 19. And both these Acts Ratified. Chap. 2, Par. 2, Sess. 3, Cap. 22. See Acts in Progress.

Duell, see Combat.

Dumfermling.

Confirmation of the Gift of the Abbacy and Lordship of Dumfermling, Lands, Teinds, and Others thereof, lyand on the North-side of the Water of Forth, made by the King to the Queen for her Lifetime, at Upslo in Norway, the 24 of November 1589. Jam. 6, Par. 13, Cap. 193.

Another Act, Concerning the same Gift, Calling it the Kings Morning Gift to the Queen, but mentioning neither for her Lifetime, nor yet her Airs, But Confirming her Charter and Seisin thereof, and Compening to her so much as wants of the said Abbacy. Ibid. Cap. 194.

Ratification of the Queens Inseiment of the Lordship of Dumfermling to her, and the Airs of her Body by the King, which Failzying to the King and his Airs and Successors. Jam. 6, Par. 21, cap. 10, See Queen.

Einburgh.

E.

Edinburgh.

O Order for Bigging *Leith-Wynd* in *Edinburgh*, and removing the Fleishers from the East-side of it. *Jam. 5, Par. 7, cap. 102.*

That the Meal-Mercat of *Edinburgh*, be removed off the High-Gate. *Ibid. cap. 103.*

That there be Bread-Mercats openly in *Edinburgh*, where all may Sell Bread, viz. On the Munday, Wednesday and Friday. *Ibid. cap. 121.*

As also Three Fleish-Mercats, On Sunday, Munday, Thursday, Weekly with the same Liberty. *Ibid. cap. 122.*

Ratification of all Donations, and Mortifications made by the King since his Coronation, or by his Mother in her perfect Age, to the Town of *Edinburgh*, for Sustainment of their Ministers, and entertaining their Hospitals, Especially of Lands, Annualrents and Tenements within the same, Founded to whatsoever Benefice Great or Small, and Lands or Annualrents without the same, Annexed to any Benefice or Religious Place within it, Annexing the Premises to the Community of the said Burgh, and Dissolving the General Annexation, and Discharging the Kings Revocation, in so far as they may be prejudicial thereto. *Jam. 6, par. 12, Cap. 159.*

Ratified, and all Gifts given by his Majesty, of the Premises to any others since the Date of the Gift, of the same Granted to the said Town Revoked, and Rescinded. *Jam. 6, par. 13, Cap. 185.*

That none of whatsoever Estate or Degree, Disobey or Contraveen the Charge of the Provost and Bailies of *Edinburgh*, preceeding by Immediat Command of his Highness, by vertue of Letter of the Lords of Secret Council, or by the Lords of Session, or by Statute of their own Council, or by their own Authority, agreeing with their own Liberty, and not prejudging that of others, or do Violence to them, or their Officers, in the Execution of their saids Offices; under the pains of Deformement and Sedition. *Item*, Full Power and Authority is given to them, having first Acquainted his Majesty for his Allowance, to Convocat and Assemble in Armes, raise Men of War on Pay, and Use Hagbuts, and all other Armours at all times when they shall think Expedient

Item, if any Person in Resisting the saids Magistrates, or in the Redding of Parties (providing it be with long Weapons, and not by shutting Hagbuts or the like,) shall be Hurt, or Slain, the saids Magistrates and the Community of the Burgh, and all their Assistants, are therefore Amply Indemnified. *Jam. 6, Par. 13, Cap. 184.* The Act is anent Tumults within the Burgh of *Edinburgh &c.*

That no Person Build in *Edinburgh*, in time coming any Houses, Except such as shall be covered with Skian, or Skailly, Lead, Tyle, or Thack-Stone, and that such Houses as are now Thacked with Thack or Straw becoming Ruinous shall be Repaired and Covered as aforesaid, and that Letters be Direct for this Effect. *Jam. 6, Par. 23, Cap. 26.*

Act, Ratifying the Act of Privy Council 17 of February 1618, That no Stacks of Hether, Broom, Whines, or other Fewel, be kept in *Edinburgh*, in the Streets, or Houses thereof, after the first of May 1618, under the pain of Tinsel thereof and Five hundred Pounds beside, to be payed by the Keepers; but that the same be set at some Remote parts of the said Burgh, where there are no Houses. *Item*, That Fleshers keep no Slaughtering Houses in the said Burgh, nor roome their filth on the Streets thereof, but at the North-Loch side, and that Candle-Makers keep no Melting-Houses, but at some Remote parts of the Town after the said Day, under the said pain of 500 Pounds: And that the Magistrates take special care to see this Act Observed. *Ibid. Cap. 29.*

Act, Ordaining the Magistrates to keep the Streets Clean and Free of Beggars, under the pain of 1000 Merks Yearly, to be payed to the Lords of Session, and Applied for that end. *Item*, That the Lords of Session receive Proposals from the Magistrates, and that with Advice of the Magistrates, they may Impose Taxes on all the Inhabitants to the Effect foresaid, for which Horning and Summar Pounding may be used, and that the Magistrates Execute what shall agreed upon by the Lords under the said pain, for which the Magistrates Faulty shall have no Relief. *Jam. 7, Par. 1, Sess. 2, Cap. 12.*

Act, Regulating the manner of Building within *Edinburgh*, see the Act, It is very particular and that no new Houses be Built Higher then Five Stories above the Calsay. *W. Par. 1, Sess. 7, Cap. 1.*

Egyptians, *see* Beggars.

Act, Banishing all Vagabounds commonly called *Egyptians*.

stant, forth of the Kingdom for ever, after the first of *August* 1609, and not to return under the pain of Death, to be Execute upon them as Notorious Thieves, on Tryal to be taken by an Assise, that they are holden, and Repute *Egyptians*, and that none Reset them, and all Warrands in the Contrary are Declared Void. *Jam. 6, Par. 20, Cap. 13.*

Ejection, *see* Removing.

That the Defenders in Ejection, find Caution for the Violent Profits, as in Causes of Removing, the first Dyet of the *Litis Contestation*, or otherways Decreet to be given against them. *Jam. 6, Par. 14, Cap. 221.*

Ell.

That the Ell contain Thirty Seven Inches. *Jam. 2, Par. 4, Cap. 68.*

Engagement.

Act, Approving the Engagement in War for the Kings Relieif, in the Year 1648. *Cha. 2, Par. 1, Sess. 1, Cap. 9.*

England and English, *see* Borders.

That no Man Buy *English* Cloath or Guides from *Englishmen* in *Scotland*, or without, under the pain of Escheat, and that no *English* Man bring away any, Except they be Specified in his Conduct, or in payment of Ransome of *English* Men. *Jam. 1, Par. 13, Cap. 145.*

That Salmond be neither sent to, nor Sold in *England*, but to *Englishmen* Buying them in *Scotland* for *English* Gold. *Ibid. Cha. 146.*

That no Cattell be Sold to *Englishmen* in *England*, but for ready Gold and Silver, under the pain of Escheat, be-
twixt the King and the Warden. *Jam. 2, Par. 8, Cap. 36.*

That no Man pass into *England* in time of War without leave, under pain of Treason. *Jam. 2, Par. 12, cap. 50.*

That any *Englishman* coming into *Scotland* without Conduct, may be made Prisoner, and that no Man sit upon Special Assurance of any *Englishman*, without leave of the King or Warden, under the pain of Treason, and that none Supply *Berwick Roxburgh*, under the same pain. *Ibid. cap. 51, and 52.*

That

That no *Englishman* have Benefice in *Scotland*. *Jam.* 3, *Par.* 1, *Cap.* 7.

That no Man send or Sell Cattel, Victual, Fish, or Salt, to *England*. *Jam.* 5, *Par.* 4, *Cap.* 20. This Act made because of the Scarcity then in *Scotland*.

Scotsmen Assured by *Englishmen*, if warned to Discharge the Assurance and Disobeying, get no Restitution of Goods Spulzied from them thereafter, by *Scotsmen* Un-assured. *L. M. Par.* 5, *cap.* 13.

Scotsmen Spulzied by both *Scots* and *English* in Company, has gude action of Restitution against the *Scotsmen*. *Ibid.* *Cap.* 14.

An Assured *Scotsman* Riding with the *English* Army, may be Pursued for all the Skaith done to *Scotsmen* Un-assured. *Ibid.* *Cap.* 15.

That Wool, Skin, Hides, or other Staple Gudes Customable, be not carried to *England*, under the pain of the Escheat thereof, or of the Value; and the Transgressor to be punished in his Person. *L. M. Par.* 6, *Cap.* 45.

That no *Scotsman* Marry an *Englishwoman* in the Opposite Marches, without the Kings Licence, under the Great Seal, under the pain of Death, and Escheat of Moveables. *Jam.* 6, *Par.* 11, *Cap.* 104.

That the Wardens put in Bill, all *Englishmen* Occupying Possessions in *Scotland* against the Treaties, and seek redress thereof. *Ibid.* *Cap.* 105.

All *English* Cloath, or other Wares and Merchandice of Wool forbidden to be Imported for Sale, under the pain of Escheat thereof, and of the whole other Gudes of the Importers. *Jam.* 6, *Par.* 15, *cap.* 152.

That all Gudes passand by Land, to or from *England*, pass by the ways of *Berwick*, or *Carlisle* alienarly, and with Certificats from the Customers of *Scotland*, and *England* as Effairs under pain of Confiscation of the Gudes. *Jam.* 6, *Par.* 18, *Cap.* 6.

Commission anent the Union of the two Kingdoms. *Jam.* 6, *par.* 17, *Cap.* 1.

Act anent the Union of the two Realms marked A & 2, of the Index of the not Imprinted Acts. *Jam.* 6, *Par.* 19.

That Persons committing any offence in *England*, declared by the Law of *Scotland*, to be petty Treason, Murder, Murther, Felonies, Burning of Houses, and Corn, Burglary, Robbing of Houses by day, Robbery, Theft, or Rape, and fleeing into *Scotland*, and there taken, may be remanded by the Judge Ordinary after Examination

tion of the Fact, to be tryed, and punished in England providing alwayes, that in the first Parliament held in England, after the date of this Act, (Twenty third of October 1612) the like Act be made in favours of Scotland.

Ja. 6, par. 21, Cap. 2.

A high Imposition on all Guides Imported from England, or of the growth and Manufacture of England, Imported from any other place, at the rate set down, particularly in the Act, and of 80. per cent. of all others omitted, and that the Customers give Oath and Bond, with other strict orders thereon *Car. 2. Par. 1. Sess. 3. Cap. 13.* This Act was made, because of some restraints the English had laid on Scots Commodities.

Erection, see Kirks.

Errour, see Summonds of Errour, and Prescription.

Escheat Simple, and Life-Rent, see Creditor, and Horning.

That the Horning be Execute before the Escheat be disposed, otherways the Gift is null, and that no Gift bear, (or when it shall happen the Offender to be denounced)

Ja. 6, par. 1, cap. 23.

Letters of Horning duely Execute being presented to the Thesaurer, Letters shall be raised at his instance direct to the Sheriff of the Shire, or Messengers for uptaking of the Rebels Escheat, and the party to be payed of his Debt, and Expence out of the first and readiest. Item, If the Messenger be deforced, that Letters be direct by the Lords deliverance to the Sheriff or others well affected to His Majesties Service, and see the former Letters execute really, and with effect, and they are privileged, as these are that pursue the Kings Rebels. *Ja. 6, par. 6, cap. 75.* The Act is, for punishment of Persons &c.

That all Intromissions with Escheats simple, or Life-Rent, Donary, Assigns, or others, be holden to pay the Debt in the Horning, whereon the Escheat fell: And that Letters be summarily direct against them for that effect. *Ja. 6. Par. 12. Cap. 143.*

The Thesaurer is bound to dispose Escheats to the best bove

hoove of the parties offended, or otherways to Responsal Men upon good Caution for his Relcife of the Debt, And if the Donator be found not responsal, the Gift is declared null. *Ibid. cap. 145.* And that the Creditor cannot be prejudged by any deed of the Rebel, or by any Gift or Right of his Escheat, given or taken to his behoove. See the Act in *Creditor*, and in *Rebell*.

Gifts of Escheat, and Liferent, granted to the Bairnt, or Conjunct-persons of these, who being suspected of Papistry, have been Excommunicat, and have retained possession of their Lands and Gudes are declared null, notwithstanding of any Decreet following thereupon, and whatever might have been the cause of the falling of the said Escheat. *Ja. 6, par. 14. Cap. 197.*

Liferent Tacks of Lands and Teinds, fall not under simple Escheat, but the Liferent Escheat only; And if the Tacks contain more Liferents, the Rebels Liferent Escheat prejudices only the Rebell, but not his Heirs or Assignes, after his decease. *Ja. 6, Par. 22, Cap. 15.*

Effonzie, or Excuse.

The Effonzour must shew his Power, and find Caution to prove; And that no Effonzies be admitted, but such as the Law allowes: Or if a Poor Man fall sick, two Laill Men his neighbours, or his Paroch-Prest shall swear it, and it shall be admitted. *Jem. 1, Par. 9, Cap. 114.*

Exception.

That Exceptions Lawful be admitted, and frivolous, or fraudulent repelled; And that Pleys be not wrongously prolonged. *Jem. 1. Par. 3, cap. 55.*

Who propones within Burgh, an Exception proponed before, to the delay of the Party, whether Procurator or party, proposer should pay 20 shillings to the Poor. *Jem. 6, par. 6. cap. 91.*

Exchange, Bills thereof.

That Forreign Bills, or Letters of Exchange from, or to this Realm, in case of Nonc-acceptance, or not payment, be Registrable, with the Protests against the Drawer, or Acceptor, within six Moneths after the date of the Bill, or day of payment Respective, that Execution on six dayes may pass thereon, as on Registrate Bonds, and that Sums contained in the said Bills in the cases foresaid bear Annual-rent after the said respective dayes, but after Six Months they cannot be Registrat, but must be pursued by way of Ordinary

uary Action: As also referring to pursue for Exchange (if not in the Bill) Re-Exchange, Damage, Interest, and Expences as accords. *Cha. 2, par. 3, cap. 20.* And this extended to Inland Bills and Precepts, *W. Par. 1, Sess. 6. Cap. 36.*

Exchequer.

That all Sheriffs, Stewarts, Chamberlains, Customers, and others Intromitters, with the Kings Rents compear at every Exchequer, and make their Accompts, and full payment *Æque* with the Rolls, And that they also make Compt and Payment of Casualties, under the pain of Imprisonment, *Jam. 5. Par. 7. Cap. 96.* Declared be sundry Ordinances of Council, that the Kings Compositors should not deny his Confirmation upon the reasonable Expence of the party, and upon his perill, *Jam. 6. Par. 5. Cap. 66.* The Act is anent double confirmation of Fews, &c. See Confirmation.

That the Exchequer for the Kings Rents begin the first of *July*, and end the last of *August*, That all lyable in Compt be warned by Precepts, under the pain of Fourty Pounds to the Failzuer. and be charged at all times to the end of the Exchequer, to compear, and in case of disobedience be denounced; And this denunciation at the Mercat Cross of *Edinburgh*, and Registration in the Thesaurers Books, or Sheriffs Books of *Edinburgh* is declared to be as good, as if made at the Cross of the head Burgh of the Shire, and in the Sheriffs Books, where the person lives, That for matters betwixt party and party, the Exchequer sit every Thursday Afternoon, during the Session, or at other times, when the King pleases. *Ja. 6. Par. 11. cap. 63.* Ratified. *Char. 2, P. 1. Sess. 3 cap. 15.*

That no Precept or Discharge of the Property be allowed in Exchequer, except it be subscribed and accepted by the Comptroller: And that acquittances be produced upon Compt, and nothing allowed *periculo computantis*, either in the Comptrollers, *Jam. 6, Par. 11. cap. 68,* or Thesaurer Accompt *Ibid. cap. 78.* That the Thesaurer exceed not 10000 Pounds in a year in his Discharge, otherways no Superfedere to be granted for Super-Expence. Item, That Inferior Accompts, that should enter in the Thesaurers be first heard. Item, That no Infersment be past, except presented by the Thesaurer, that Composition may be payed to him, *Ibid. cap. 78.* The Exchequer impowered and declared to be proper Judges, to cognosce and decide in all Causes concerning His Majesties Property, and the Annuity of Teinds, and that they direct Letters on their Decrets on a simple Charge of

of Ten Dayes on this side, and on Twenty Days by North Dee allenary, *Cha. 1, Par. 1, cap. 18.* But for Explanation of this Act, It is declared that the validity, or invalidity of Infeiments of the Property, or of any other may not be discussed and decided in Exchequer, but is only proper for the Lords of Session. *Char. 2. Par. 1, Sess. 1. cap. 59.*

Infeiments, Gifts, and Others past in Exchequer, in the Year One Thousand Six Hundred and Fourty Nine and Fifty, albeit the Authority of these Meetings be declared Null, are appointed to stand Valid except new Gifts, and other Gifts to his Majesties Prejudice, and such as upon Complaint to the Exchequer, shall be found Unjustly Granted, in prejudice of Prior Gifts under his Majesties hand, though not passed in Exchequer. *Cha. 2, par. 1, Sess. 1, cap. 9.* The Act is, Act approving the Engagement 1648, &c.

The Gifts and Proceedings of the Commissioners of Exchequer under the English Usurpers Ratified, Excepting new Gifts, Gifts of Ballardy and *ultimus bares*, not of new past in Exchequer; As also Gifts and Confirmations past in prejudice of these who had former Rights from his Majesty, or his Royal Father: And Generally, providing that all these Gifts and Proceedings, may upon Complaint be Revived by his Majesties Exchequer. *Cha. 2, par. 1, Sess. 1, Cap. 12.* The Act is, concerning the Judicial Proceedings &c.

Act Regulating the proceedings and matters of Exchequer. *Cha. 2, par. 2, Sess. 3. cap. 16.* concerning the Exchequer, The Act is concerning the Regulation &c.

Excise, see Annuity.

Act, Imposing the Excise for raising His Majesties Annuity of Fourty Thousand pounds Sterling, viz. Eight Thousand pounds Sterling thereof, by an Excise upon the Inland Salt, and Forreign Commodities specified in the Act and the other 3200 pounds Sterling, by an Excise of two Merty on the Boll of Malt, and three Shillings on the Pint of Aquavite not made of Malt, Brewed and Sold in the Kingdom; which Sum is proportioned upon the Shires and Burghs, and what shall be Inlaiking in their Excise, to be Supplied by the Heretors by way of Cess: And that the Commissioners in every Shire and Burgh, uplift and be lyable for the saids Proportions, in manner as in the Act. *Cha. 2, Par. 1, Sess. 1, Cap. 14.* But the proportions here setdown are again Ratified. *Ibid. Sess. 3, cap. 25.*

Act, Regulating the payment of the Excise, as to the Importer

Importer and Retailer, and containing several Rules and Provisions thereanent; specially that the Excise be payed according to the Book of Rates for the Customs: And if there be any Excisable Goods not there setdown, that they pay at the Rate of Five *per cent*, That the Merchant not paying the Excise, He, and all Accessory to his Concealing or Abstracting, may be pursued upon Oath, or any other Probation, providing it be within Three Months of the Imbarzleing, and the Delinquent Convict, may be Imprisoned for Twenty Four Hours, and untill he pay the full Value of the Goods Imbarzled; And shall be further Fineable by the Exchequer; As also Goods not duly Entered, and Sealed, shall be Confiscat, and their Owners Imprisoned and Fined as said is, And the same Statute as to the not paying of Customs. *cha. 2, Par. 1, Sess. 1, cap. 12.*

Act Declaring, That if Three Quarters payment of the Annuity of Excise in the Shires of *Ross, Southerland, Caithness, Argyle, Inverness*, and Burghs thereof, shall run in the Fourth unpayed, Then the Shire, Burgh, or Person Deficient, to be lyable in the double of the whole Years Annuity *toties quoties*, but prejudice of the Obligement for single payment of the Commissioners of the saids Shires, conform to the Act *Cha. 2, par. 1, Sess. 1, Cap. 24, above, Cha. 2, Par. 2, Sess. 1, cap. 20.*

All Salt made in this Kingdom Exempted from Excise, and Fourty *Shillings per Boll* Imposed on Forreign Salt. *Cha. 2, Par. 2, Sess. 4, cap. 1. See the Act in Salt.*

Excise of Brandy Six *shillings per Pint*, to be payed by the Retailer, and the Excise of Num-beir, Thirty *shillings per Barrel*, the Barrel not exceeding Twelve Gallons, and both appointed to be Applied for the Relief of the Excise of Shires and Burgh. *Ibid. cap. 2.*

And the Retailer lyable in the Excise of Brandy, declared to be Tapper, who Sells Brandy by Pints and lesser Quantities in Taverns, Shops, Cellars and the like, where it is immediatly consumed. *W. and M. par. 1, Sess. 5, cap. 21.*

That the Quarterings for the Excise, be Regulate according to the Rules setdown, for Quartering for the Cess in the Act. *Cha. 2, par. 3, cap. 3. The Act is, Act for a Voluntary Offer &c.*

The Excise on Forreign Chmmodities, and of Two *Merks* on the Boll of Malt, and Three *shillings* on every Pint of Aquavire not made of Malt, Brewed and Sold within the the Kingdom, Established by Act. *Cha. 2, par. 1, Sess.*

1, *Sess. 1, cap. 14.* Above continued for Five Years after his present Majesties Decease, but then neither the Commissioners, Heretors, nor Land-Rent of the Shires, are to be lyable for it, but only the Brewers, Vintners, and Tapsters. *Cha. 2, par. 3, cap. 8.*

And this Excise as given by the Act. *Cha. 2, par. 1, cap. 14.* And ordered to be Collected by the Act. *Cha. 2, par. 3, cap. 8.* Given to the King and his Successors, and Annexed to the Crown for ever. *Jam. 7, par. 1, cap. 2.*

Act for an Additional Excise of Three Pennies on the Pint, for Twenty Three Months after the first of June 1693. *W. and M. par. 1, Sess. 4, cap. 3.* And this to be understood of all Vended after the first of June, whether Brewed before that time or after, or within or without the Kingdom, Excepting Mum-beir. *cap. 16, Ibid.*

Act for an Additional Excise of Two Pennies per Pint, for a Year after the first of September 1695. *Item,* Turning the Annexed Excise of Two Merks on the Boll of Malt to Three Pennies on the Pint, as in the Act, *Sess. 5, cap. 18. Ibid.* And this Additional Excise continued for Three Months longer to the first of March 1697. *cap. 29, Ibid.*

Act for an Additional Excise of One Penny per Pint from the first of March 1697, to the first of March 1698, and of Three Pennies per Pint, from the first of March 1698, to the first of March 1699, making with the Annexed Excise Four Pennies the first Year, and Six Pennies the second Year, and Ships Beir is here declared Free; And this Exception, and all others granted by Law, appointed to be expressed in the Tacks, in manner set down in the Act. *Sess. 6, cap. 2, Ibid.* Where the Act above defining the Retailer is better Explained. *viz.* Of such as Sell by Retail, what is immediatly Consumed in their Shops, or who Sell out in Pints and lesser Measures.

The Annexed Excise of Six shilling per Pint on Brandy, to be payed by the Retailer, changed to Two shilling the Pint, to be payed by the Importer with his Majesties Custom, and that for the space of Five Years after the first of March 1699, or longer in his Majesties Option. *Sess. 7, cap. 25.*

Excommunication, *see* Cursing.

Persons Excommunicat after 40 Days, may be Charg-

ed by Letters of Four Forms, at the Instance of the Party, the Kings Advocat, or the Procurator of the Kirk, to satisfy the Sentence, and Reconcile themselves to the Kirk; And if they Failzy, are to be Denounced, and Caption and other Executorials to pass against them. *Jam. 6, par. 3, cap. 53.*

A Person Excommunicat entering the Kirk, the time of the Ministration of the Sacrament or Common Prayer, should be Charged in God, and the Kings Name to Remove, and if he refuse, the Minister after the Service, may cause Apprehend and Waird him, untill he find Caution at the Ministers and Elders sight, to Reconcile himself to the Kirk, and make Amends for the Offence: And if he Desforce any in the Execution of the Premisses, That his Moveables be Escheat, and his Person in the Kings Will. *Jam. 6, par. 11, cap. 27.* The Act is, Punishment of Troublers of the Kirk &c.

That no Persons Excommunicat for not Conforming to the Religion presently Professed, directly, or indirectly, Possess their Estates; but that the same be medled with to his Majesties use. *Jam. 6, Par. 20, cap. 3.*

That the Bishops give up to the Thesaurer and Director of the Chancellary Yearly, a Roll Subscribed with their hands, of all Excommunicat for Religion within their Diocess; And that the Thesaurer Receive no Resignation, nor Grant Inseftments, nor the Director Direct Brieves nor Precepts, nor Receive Retours in their Favours, untill their Relaxation be Certified by the Bishop, and all Lords of Regality, and other Superiours, may refuse to Grant Brieves, or Precepts of *clare constat*, or Charters on Apprylings to the saids Persons. *Ibid. cap. 4.*

Ratification of all the Acts of Parliament or Council preceeding the Year 1640, against Excommunicat Persons; And that Fourty Days after Sentence, Letters be Direct by the Lords of Privy Council or Session, at the Instance of the Kings Advocat, for Denouncing them Rebels: And that the same being done at the Cross of *Edinburgh*, and Peer and Shoare of *Leith*, shall be sufficient for Caption and Escheat, providing that the Process of Excommunication, be first Exhibit to the Lords of Session, in Session-time, to consider the same. *Cha. 2, par. 1, Sess. 1, cap. 25.* But this *Proviso* is Rescinded. *Cha. 2, par. Sess. 3, cap. 23.* But both these Acts Rescinded, with all other Acts of the same Import, with all Acts enjoining Civil Pains upon Sentences of Excommunication. *W. and M., par. 1, Sess. 2, cap. 28.*

An Abridgement of the **Executions or Indorsations, see Summonds.**

Executions of the Kings Breives or Letters should be Sealed or Stamped by the Officiar of Fee, or in that part before Witnesses, otherways make no Faith. *Jam, 3, par, 5, cap. 33.*

That all Executions or Indorsations be Stamped, otherways make no Faith, and the Executor to be deprived. *Jam, 5, par, 6, cap. 74.*

That all Copies of Summonds or Letters delivered to any Party, be Subscribed by the Officiar Executor thereof. *Jam, 6, par, 12, cap. 139.*

That Executions at Dwelling places where the Persons cannot be Personally Apprehended, be made at the Principal Dwelling where the Party actually Resides: And if the Officiar get Entry, that he shew his Letters, and leave a Copy, or Affix it on the Gate; And if he get no Entry after six knocks, that he Affix a Copy on the Gate, and all before Famous Witnesses, and the Execution to make mention of this Order: And if the Officiar fail, that he be Imprisoned, and Punished at Will. *Jam. 5, Par. 6, Cap. 75.*

Item, That in Criminal Letters, the Copy be delivered to the Party Personally, if he can be apprehended, or otherways be delivered to his Wife or Servant, or Affixed on the Gate of his Dwelling House, and thereafter open Proclamation to be made, and a Copy Affixed on the Cross of the Head Burgh of the Shire. *Item* If there be more than two in the Letters, all called for one Crime, this order used to two of the Principals, shall be sufficient as to the rest. *2, M. Par. 6, Cap. 33.*

That all Executions and Warnings in the Kings Causes against Isles-men, High-land-men, or Borderers in broken Countreys. *ubi non patet tutus accessus* be made at the Mercat Crosses of the Head Burghs of the next Shire in the Low-lands: *Jam. 6, Par. 11. cap. 66.*

That all Criminal Letters, Letters of Law-burrows, or others importing Tinsel of Life or Goods be Execute upon all persons contained therein, personally, or at their Dwelling places, and by open Proclamation at the Mercat Crosses of the Head Burghs of the Shires, where they dwell, betwixt Eight and Twelve in the Forenoon in open time of Day, before Famous Witnesses specially designed; And that Copies containing the whole names be affixed on the Gates of the Dwelling Houses, and Mercat Crosses, under

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under the pain of 200 Marks. *Ibid.* cap. 85. The Acts, Letters of Law-Burrows should not be granted, &c. But in the end thereof comprehends all Criminal Letters, and others, &c.

That Charges of Treason be Execute by Heralds and Pursevants, in their Coats, or by Macers, as of before, Declaring all Executions, under the pain of Treason, other-ways Execute to be null, *Jam. 6, Par. 12, Cap. 172.*

That all Executions of Summonds bear expressly the Names of the parties Pursuers and Defenders, and that it shall not be sufficient to relate generally to the Summonds, else they shall not be sustained, *Cha. 2, Par. 2, Sef. 3- Cap. 6.*

That the Witnesses in all Executions of Inhibitions and Interdictions, Hornings, or Arrestments, or for Interrup- tion of prescription in real Rights be designed in the body of the Execution; And also subscribing thereto, *Cha. 2. Par. 3. Cap. 5. See the Act in Witness.*

That all Executions of Citations in use to be in Writ, and all Executions of Hornings, Inhibitions or others be subscribed by the Executor, and the Witnesses, other-ways to be null, and no necessity for hereafter, that Exe- cutions be stamped, *Ja. 7. Par. 1, Sef. 2, cap. 4.*

Executors, see Moveables, and Testament.

A Sum secured by the Act to the Liforenter upon Land yet declared payable to her Executor, *Q. M. par. 4- cap. 10.* at the end, The Act is, The Act made anent the Annuals of Lands Burnt &c.

Executors Strangers nominate, are obliged to make Comp^t and payment to the Defuncts Wife, Bairns, and nearest of Kin, Reserving only to them the third of the Defuncts part, after deduction of Debts, in which third, any Legacy left to them, to be computed, without pre- judice to them of their Legacies, if they exceed the said Third *Jam. 6, Par. 22, Cap. 14.*

Expences.

He that fines the Action before the Lords of Council should pay the Winners Expences, at the Lords modifica- tion, and Forty Shillings to be disposed upon by the Chanc^ellour, *Jam. 3, Par. 6, cap. 50.*

The Expences of Pley to be infer in the Decrets, Con- demnator, or Absolvitor, *Q. M. Par. 7, cap. 64.*

Who times the Pley within Burgh, payes the Parties Expences, and Twelve pennies per pound to the Poor, *Jam. 6, Par. 6, cap. 91. See it in Burgh.*

That the Tiner of the Pley, pay the other Expences, at the Judges Modification, *Jam. 6, Par. 11, cap. 43.*

That the Damnage, Interest, and Expences of Pley made and sustained by the parties, be admitted and liquidat by the Decreet, whether absolvitor, or Condemnator, before all Judges, especially where the Writ, the ground of the Action, or the Summonds bears it, *Jam. 6, Par. 12, cap. 142.*

F.

Factor, *see* Merchant.

That no Merchant imploy an Alien as Factor beyond Seas, on the account of Scots Merchants, under such pecuniary pains, as the Council of Trade shall impose, half to the King, half to the Informer and Pursuer, *Cha. 2, Par. 1, Sess. 1, cap. 44.* The Act is, Act for Encouraging of Shipping and Navigation.

Fairs.

At Fairs the Sheriff should only have the best Ox. or Cow, or unriden Horse stalled and brought to sell, and of great Stalls, or covered Creams, he may take a distress, but he should deliver it again at the Court of the Fair, if the person hath done no default, and that no distress be taken hereafter of Goods of litle quantity or price, brought on Mens-heads or Backs, *Jam. 2, Par. 13, cap. 59.*

That in Fairs, Parliament times, or General Councils, great Constables or Castles-Sheriffs, or Baillies of Burghs use no extortion, by taking from Poor Folks for Loads or burdens, what they call their Fees; under the pain to be punished at the Kings Will, and deprived for a Year. *Jam. 3, P. 5, Cap. 34.*

That no Fairs be holden on Holy Days, but on the Morn after, *Ibid. cap. 14.*

Falkland-Wood.

Falkland Wood ordained to be cut and hained, as being found by an Assise to be old, and failed. *2. M. par. 6, cap. 48.* The Lowmonds of *Falkland*, *See Annexed Property.*

False

Falsehood, *see* Cunzie.

That False Nottars and Witnesfes, or who induces them thereto, or uses false Instruments wittingly, be punished with all rigour according to the Disposition of the Common Law. *Jam. 5. Par. 6. cap. 80.*

This Act extended to all manner, of Evidents and Writings, and the Makers, Feinziers, Users, Seducers, Corrupters and Fallers thereof, and the pain declared to be proscriptiō, Banishment, dismembering of the Hand, or Tongue, and other pains of the Canon and Civil Law, or Statutes of the Realm, *2. M. Par. 5. cap. 22.*

That False-Witnesfes, and their Inducers be punished by piercing their Tongues, Escheat of Movables and Infamy, and farther at the Judges discretion, *2. M. Par. 6. cap. 46.*

That Makers, or Users of False-Writes, or accessory to the making thereof, be punished with the pains of Falsehood, and the Counterfitter, Falsifier, or accessory cannot by passing from the Writ quarrelled, free himself of the punishment. *J. 4. 6, par. 23. cap. 22.*

Fasts.

Act for a Monethly Fast, beginning the Third Thursday of May 1693, and so to continue Monethly, till discharged by the Privy Council. *W. & M. Par. 1, Sess. 4, Cap. 1.* It is discharged.

Act for a Solemn Fast to be kept the second Thursday of June, 1695. *W. Par. 1, Sess. 5, Cap. 1.*

Fee.

The Sheriff-Fee appointed to be Twelve pennies of the pound, *Jam. 4, Par. 3, Cap. 30.* The Act is, of the Defendants not compearand &c. See it in *Sheriff, Coalliers, and Servants-Fees, See Coalliers, and Justices of Peace.*

Feedes, *see* Peace.

Deadly Feede no just pretence, to excuse from not Communicating, *Ja. 6, Par. 16, Cap. 17.*

Act and order for extinguishing deadly Feedes; And for preservation thereof in time coming, That the Pursuer do not invade, or bear Feede against any Freind of the Defender innocent, and not accused, under the pain of Tinfel of his Action; Reserving the same still to the King: And the Freind of the party guilty convict, or Fugitive, may not bear quarrel therefore, or reset him, under the pains, against the reset of Rebels, And the Estates of Parliament

Swear

Swear to observe the Articles in the Act, And the King Solemnly Promises, to grant no Respite, or Remission for odious Crimes, until these inveterat Feedes be rooted out. *Jam. 6, Par. 16, Cap. 22. Ratified Jam. 6, Par. 20. Cap. 7.* The Act is, anent the Commissioners and Justices of Peace.

Ferriers.

That all Boatmen and Ferriers have Treene Bridges for receiving Horse, under the pain of 40 shillings each Boat, *Jam. 1, Par. 3, Cap. 59.*

That all Ferriers on every side of the Firth, make Bridges, and ports in their Boats for easy Shipping of Horse, under pain of Confiscation of their Boats, *Ja. 3, Par. 3, Cap. 20.*

The statute, And also the quantity of Fraught appointed to be payed at *Kinghorn, Queens-ferry, and Parten-Craig* And that Horse or Beasts pay and Fraught, make the Persons and Burdens free, *Jam. 3, Par. 7, Cap. 62.*

That Ferriers take no more Fraught, nor is statute under the pain of Five Pounds Scots to the King, And to Asyth the party, *Ja. 3, Par. 10. Cap. 75. Ratified, Jam. 3, Par. 13, Cap. 95.* with an Augmentation of the pains.

Fraught appointed for Ferriers at *Kingborne, Queens-ferry and Dundee*, and that they observe the same, under the pain of Death, *Q. M. Par. 5, Cap. 21.*

The Fraught of *Kingborne* for Man and Horse, appointed by King James 3. *Anno 1474*, was six pennies, and for the Man two pennies, but is higher *Anno 1551*, for Horse and Man Twelve pennies, and for the Man six pennies, *Q. M. Par. 5, Cap. 21. See Wayes.*

Few, and Few-ferm, See Few, cum Maritagio in Waird.

That the King, Prelates, Barrons, and Free-Holders, may set their Lands in Few, and the Land-Wairding to the King, the King shall only have the Few-Duty, so that the Set be made a competent Value, *Jam. 2. Par. 14. Cap. 71.*

That all Men, Spiritual or Temporal, may set their Lands in Few, without diminution of the Rental, and it shall be no ground of Recognition, *Jam. 4. Par. 6. Cap. 91.*

The Act *Jam. 2.* Explained, and Declared not to Extend to the Vassals of any Earl, Barron, or Free-Holder, holding their Lands-Waird of their saids Superiours, for whom it is Statute not to be leifom to them to set their Lands in Few, without the Consent or Confirmation of their Superiours, and any Alienation otherways made, is declared

clared Null by way of Action or Exceptions, *Jam. 6. Par. 18. Cap. 12.*

And this Explanation, and Statute Extended to the King and Prince, and Vassals holding Waird of them, and all former Acts that may any ways derogate to this Act, are Rescinded, *Car. 1. Par. 1. cap. 16.*

That all Fewers not payand their Dutie by the space of two Years hail and together, amit and tinc their Fewes, as if there were a Clause irritant in their Rights, *Jam. 6. Par. 15. cap. 246.*

Fines, See Forefaultures.

Discharge of Fines, *W. and M. Par. 1. Sess. 2. cap. 18.* in Forefaultures.

The Repetition of all Fines Rescinded by the Act, *W. and M. Par. 1. Sess. 2. Cap. 18.* from Donators, or other privat Parties, may be pursued before the Lords of *Sesson*, summarly with Rent from *Martinmas* 1688, notwithstanding the Remitt contained in the said Act, *W. and M. Par. 1. Sess. 5. cap. 25.*

Fire.

That to prevent Fire, no Hemp, Lint, Straw, Hay, Hedder, or Broom, be put near, or above the Fire in Houses within Town, and that the Officers within Town, make Trial every Month, under the Pain of 40. *Shillings*, to the King, *Jam. 1. Par. 4. cap. 71.*

The Seller of Hay, and Podder come not to their Hay-Houses without a Lanchern under the same Pain, *Ibidem, Cap. 71.*

That the Ladders, Sayes, and Cleiks of Iron be appointed, and kept in Towns for Fire under the same Pain, *Ibidem, cap. 73.*

That after the Fire hath happened, the Magistrats enquire into the Cause, and if it be found in purpose Deeds, that Forefaulture be the Punition, and if throw neglect, then if a Servant, he shall be Punished in his Goods, and Person if he have no Goods, and Banished for three or seven Years, If a Man, his Wife, or Bairns, in his own House, or if of a Mailler, both shall repair the Skaith of others, and be Banished three Years; If of a Stranger, he shall repair the Skaith, or abide in Prison at the Kings Will, If the Fire happen throw chance, it is Unpunished, If the Magistrats neglect the Execution of this Act, That they pay Ten Pounds to the King: That Fire be not fetched from House to House, but in a covered Vessel, And if Fire happen in Town of a Barrony, that their Lords punish it as above, *Ibidem, cap. 75.*

That

That Burning of Folk in their Houses, and all burning of Houses, and Corns, and wilful Fire raising be Treason, and lese Majestie, *Jam. 5. par. 1. cap. 8.*

That Fire Raisers be put under Sovereign of the Law, as in the Crimes of Slaughter, and Mutilation, and that there be no Remission given to them that Burns Corns in Stacks, or Barns, but that they be Punished to Death, or else Banished, *Jam. 5. par. 7. cap. 118*: But it is again Statute that burning of Folk in their Houses, burning of Houses, and Corns, and wilful Fire raising be Treason, and lese Majestie, *Jam. 6. par. 1. cap. 33.*

Wilful Firing of Coal-Meughs is also Treason, *Jam. 6. par. 12. cap. 146.* See Treason.

Fish, and Fishing, See Game.

That for Fishing, certain Lords Spiritual and Temporal, and Burrows, make Ships, Bushes, and Boats, with Nets, and other Pertinents, *Jam. 3. par. 6. cap. 49.*

That Ships and Bushes, with all their Pertinents for Fishing, be made in each Burgh, in number according to the Substance of the Burgh, and the least of them to be of twenty Tunn, and that all idle Men be compelled by the Sheriffs in the Countrey, and by Baillies in Burgh, to pass therein for their Wages under the pain of Banishment out of their Bounds, And that the Sheriff or Officer in Burgh negligent, pay Twenty Pounds to the King, *Jam. 4. par. 4. cap. 49.* Ratified, *Ibid. cap. 52.*

The times of Mercat appointed for Fish, and that no White Fish be sent out of the Realm, but that Strangers may come and buy them. *Item*, Where any Person hath Fish, packed or peiled, that they be ready to sell the same for the Service of the Leidges, under the pain of Confiscation of the Fish, *Jam. 5. par. 7. cap. 98.*

That the Barrells of Fish be Burnt and Marked, *ibid. cap. 109.*

That the Herring, and White-Fish Barrell, contain nine Gallons of the Sterling pynt, *Jam. 6. par. 4. cap. 57.* See it in *Salmond.*

That all Fishers of Herring, or White-Fish upon the Coasts, or within the Isles, or Firths, bring the same to free Ports, that the Leidges may be first Served, and the Rest bought, Salted, and Transported by Free-men, under the Pain of Tinsel of the Vessels, and haill other Moveables of the Contraveeners, *ibid. cap. 60.*

Ratified, and all Judges Ordinary Impowered for Executing thereof within their Bounds, *Jam. 6. par. 6. cap. 86.*

That there be a Just Standard for Herring or White-Fish, kept

kept at *Edinburgh*, & Staples are appointed for the said Herring and White-Fish, and that no Fishers sell their Herring to Strangers or Unfree-men, or transport them to other Countries under pain of Escheat of their Moveables, *Jam. 6, par. 8, cap. 14. 1.*

But the Staple of Herring and White-Fish slain on either side of Forth, appointed to be in *Leith, Carraill*, by the said Act is Discharged, and full Liberty allowed to the whole Free Burrows on either side of the said Water, *Jam. 6, par. 10, cap. 14.*

That Caution be taken of Ships going to the North-Fishing, to return the Third part of their Loading of Herring or White-Fish within the Firth, or other Free-Burrows, under the pain of an Hundred Pounds, *Jam. 6, Par. 11, cap. 57.*

Act for Fishing, and erecting of Companies for improving the Fishing of Herring, and White-Fish, setting down their Rules and Privileges as in the Act, and that each Barrel of Green Fish contain Twelve Gallons, *Car. 2, par. 1, Sess. 1, cap. 39.*

Act Rescinding the Erection of the Royal Company of Fishing, and declaring the same to be Dissolved. *Item*, All are Invited to the Trade of Fishing and Curing of Herring, with an assurance of all former Freedoms and Advantages, particularly that of Forraign Salt, for which the Exporters are to have from the Customers, for the behove of the Curer who bought the Salt Ten Pound Four shillings for each Last of Herring or White-Fish Exported, and Twelve Pound for each Exported Last of Salmond, as by the Act, *Car. 2, Par. 2, Sess. 1, cap. 12.* And Proclamation of 11. April 1681, thereupon instead of the Exemption provided by the 1 Act Sess. 4. of that Parliament. *Item*, That the Exportation of Fish doth only belong to the Royal Burrows, conform to the 12 Act of this Session of Parliament, and the Council impowered for the farther improvement of Fishing, *W. and M. Par. 1, Sess. 2, Cap: 34.*

Act anent the Loyal Curing, and packing of Herring and Salmond-fish, containing particular Orders as to the Cask, Salt, Packing, Marking, &c. the Barrel for Exported Herring, to contain Eight Gallons, Two Pints, and for Exported Salmond Ten Gallons, *W. and M. Par. 1, Sess. 4, Cap: 5.* See the Act. *Item*, The Exception of the Rights of Burghs Royal in this Act extended to Burghs of Regality and Barony, *Sess: 6, cap: 12. Ibid.*

All Fishing with Pocknets, or other Engines not allowed by Law, within the Water of Forth above the Pow of Alloway, to the prejudice of Salmond Fishing, discharged under a Fine not exceeding Twenty Pounds, or Imprisonment to be inflicted by the Sheriff or Baillie of the said Water *toties quoties*, *Sess: 7, cap. 3. Ibid.*

Act for the Encouragement of White-fishing and Herring Fishing, ordaining more strictly how the Exporters should get Payment of the Draw-back of Ten *libs*: four shilling per Last, appointed by the 34, Act, Sess. 2, of this Parliament, and upon

what Probation and Documents, *for the Act. Item, That all Materials for Bush-fishing be free of all Custom and Excise at their Import, cap, 34. Ibid.*

Flesh.

That none carry Flesh out of the Realm, under pain of Escheat of the whole Moveables of both Owner and Skipper, *L. M. par, 6, cap, 40.*

That for preventing this Transport, that Ships be Victualled at the sight of the Magistrates, and Customers of the Burghs and Free Ports where they lye, and if any more be found, that it be Confiscat, *Jam, 6, par, 5, cap, 67.*

But barrelled Flesh may be Exported by Sea, free of Custom, Bullion, or other Impositions for Nineteen Years, *Car, 2, par, 1, Sef, 3, cap, 12, Anno 1663.* The Act is, *for encouraging Tillage and Pasturage.*

Foot-Ball and Golf.

That no Man play at the Foot-Ball, under the pain of Fifty Shillings to the Lord of the Land, or to the Sheriff in his Neglect, *Jam, 1, par, 1, cap, 17.*

The Foot-Ball and Golf discharged, and that they are not to be used in time coming, *Jam, 2, par, 14, cap, 64. Jam, 3, par, 6, cap, 45.* The Act is, the length of Spears, &c. and *Jam, 4, par, 3, cap, 32.* And this last Act Appoints Men to use Shooting and Archery in place thereof, See it in Weapon-thawing.

Forbidden Goods to be Exported, See Wool.

Goods forbidden to be Transported, Linnen Cloath, Lint Seed, made Candle, all Tallow, eating Butter, Barked-Hides, or made Shoes, under the pain of Escheat of the Buyers and Transporters whole Moveables, *Jam, 6, par, 4, cap, 59.* See Bestial, Cattel, Coals, Flesh, Horse, Tallow, Wool, &c. in their own places.

Act Ratifying all Acts made against the Transporting of Forbidden Goods, *Jam, 6, par, 9, cap, 9.*

Calf-skins, Huddersons, and Kid-Skins forbidden to be Transported, Packed and Peiled, under the pain of Confiscation thereof to the King, *Jam, 6, par, 12, cap, 155.*

Ratified, and Extended to Schurling-Skins under the same pain, and the Transporters to be farther punished in their Persons and Goods at the King's Will, *Jam, 6, Par, 13, cap, 178.*

Ratified, And farther, that none Export Calf, Kid, Hudderson, or Schurling-Skins, or any Goat, Hart, Buck, Deer, or other Wild Beasts Skins, under the pain of Confiscation, Reserving to the Exchequer to grant Licences, *Car, 2, par, 1, Sef, 1, cap, 45.*

That none Export, or Import Forbidden Goods, under the pain

paid of Elcheat, the Forbidden Goods to be Intromitted with by the Comptroller, the Rest by the Thesaurer; and that all Licences not granted by the Council, and composed and past all the Seals be null, *Jam, 6, Par, 16, cap, 15.*

That none, Stranger, or other, Transport forth of the Countrey, Butter, Tallow, or other Forbidden Goods, under the pain of Confiscation of the Ship, and whole Goods the Owner of the Forbidden Goods hath therein, *Jam, 6, Par, 23, cap, 12.* The Act is, *anent Packing and Peeling.*

That none Export Worsted, Woolen Yairn, Raw, or unwashed Cloaths, or Stuffs made in Scotland (Plaiding excepted) broken Copper, Brass, or Pewter, under the pain of Confiscation, half to the King, half to the Apprehender or Pursuer, *Car, 2, Par, 1, Sef, 1, cap, 46.*

All Lint of the Growth of the Kingdom, or any Linnen Yairn whatsomever forbidden to be Exported, under the pain of Confiscation thereof, and of all other Goods bound up in the same Pack or Cask, half to the Informer, half to the Poor of the Paroch, and the Waiter accessorie to be Deprived, and incapable to be Reponed, *W: and M. Par: 1: Sef: 4: cap: 30.*

Forbidden to be Imported, See Wine.

Made Work forbidden to be Imported by Trades-men, *Car: 2, Par: 1, Sef: 1, cap: 47: See it in Made Work.*

That no Acquavite, strong Water, Mum-beir, or other Drinking-beir (Black or Spruce-beir excepted) be Imported, under pain of Elcheat thereof, *Car: 2, Par: 1, Sef: 3, cap: 7.*

But Brandy and Mum, or Bremer-beir Licenced to be Imported, *Car: 2, Par: 2, Sef: 4, cap: 2. See Brandy and Mum-beir.*

Great Prohibition of Import, *Car: 2, Pa: 3, cap: 12.* The Act is, for Encouraging of Trade and Manufacturies. See the Act in Trade, See Licence.

Act discharging the Importing of all Forreign Manufacturie of Wool, or wherein any Wool is from, and after the date of this Act 31. January 1701, excepting Flannel allanerly, and the Act prohibites also the wearing, and is very particular and strict for destroying the Goods prohibite, and punishing the Contraveeners, and for doing what else may make its Execution effectual, *W. Par, 1, Sess. 9, cap, 8. See the Act.*

Act discharging the Importation of all Stuffs, or other kind of Manufacture whatsomever, wherein any Cotton, Hair or Silk shall be found with, all manner of white Threed, Laces and Points of any kind, after the promulgation of this Act, excepting Mulline, and plain black Silk Stuffs, and Velvets for Womens Hoods and Scarfs only; As also, Velvets or other Silk Stuffs for States Chairs of State, Pales, Mortcloaths, footMantles and

and Robes of publick Offices now in use; with an exception also, in Favours of the *African Company*, *see* the Act wherein the Pains and Manner of Execution are very strict and particularly set down, *Cap: 12: Ibid.*

Forces.

Act against False-Musters, Free-Quarters, undue Payments, and other Abuses. *See* the Act it is Full and Exact, *W: and M. Par: 1, Sess 4, cap: 4.*

That no Officer exact Lodging, Coal and Candle, for themselves, their Wives and Children *Gratib*, under pain of Breacking, nor Souldiers for their Wives and Children, under the pain of the Dammage, to be paycd by their Officers, and that under the the pain to them of three Months Pay. *Sess: 5, cap: 33, Renewed, Sess: 6, cap: 23, Ibid.*

Fore-Staller, and Regratour.

That Fore-Stallers buying Victual, Fleish, and other Stuff, before it be presented to the Mercat, or in the Mercat before Lawful time of Day, be punished by Imprisoament, and Escheating of the Goods Bought or Arled, two Thirds to the King, the Third to the Discoverer. *Jam: 5, Par: 4, cap: 21, and Jam: 5, Par: 7, cap: 98.*

That Magistrats of Burghs, and none other punish Fore-Stallers within the same, *Jam: 5, Par: 7, Cap: 113.* And all these Acts Ratified, and the saids Magistrats Constitute his Highness Justices for the Effect foresaid, *Jam: 6, Par: 6, Cap: 88.*

Who buyes any Merchandize or Victual coming to Fair, or Mercat, by Land, or Water, or makes any Bargain about it, before it be in the Mercat-place, Burgh, Fort, or Road ready to be Sold, or who makes any motion by Word or Writ, for raising of Prices, or Disswading the bringing of any thing to the Mercat, he is a Fore-Staller: And who gets any Corn, Fleish, Fish, or other Vivers, in any Fair or Mercat, and Sell it again in any Fair or Mercat in the same place, or Four Miles about it, or who Buyes or Bargains for Growing Corn, he is a Regrator; And the Thesaurer, Kings Advocat, as well as the Magistrats of Burrows, may pursue such, and that without a special Libel, but only upon Fore-Stalling in General, and the pains for the first Fault 40 *Pounds*, for the Second an Hundred Merks, and for the Thud Tinsel of Moveables, *Jam: 6, Par: 12, Cap: 148.*

Fore-thought Felony.

That all Judges and Officers, whom it concerns upon Complaint, inquire diligently, if the Deed was done on
Fore-

Fore-thought Felony, or throw Chaud-mella: And if one Fore-thought Felony, that the Party hurt be Assythed, and the Life and Goods of the Trespassour in the Kings Will: And that the Trespassour be in continēt Imprisoned, but if the Deed was donethrow Chaud-mella, it is to be followed after the course of the old Laws. *Jam. 1, Par. 3, Cap. 51.*

If any Man Bargain (that is Quarrell) either in Burgh or Land, that whether plaint be made or not, both Parties be Arrested, and the same or next Lawful Day, Inquisition be made by an Assise, whether it be Fore-thought Felony or suddenly done: And if suddenly done, that they be demained as the Law Treats of before, and if it be Fore-thought Felony, the Party to be Imprisoned, and amends made, and the Party punished as Law Will. *Jam. 1, Par. 6, Cap. 95.*

If such Bargain in Burgh, shall be called Fore-thought Felony, and the Party Escape unarrested, the Sheriff or Lord of Regality where he is Reset, when Certified, shall pursue and send him back to abide the Law. *Ibid. Cap. 95, and Jam. 3, Par. 3, Cap. 36. See Girsh and Slaughter.*

Forefaukture.

Sentence of Forefaukture of the Earldom of March, and Lordship of Dunbar, and of all other Lands, which the Earl of March held of the King in cheif. *Jam. 1, Par. 12, cap. 135.*

All Alienations by Persons Forefaulced, or to be Forefaulced; for the Murder of the Kings Father, and of his Regents, made since the committing of the Crimes are declared Null. *Jam. 6, Par. 2, Cap. 36.* Extended against Burgesses making Defection from the King, and Assisting declared Traitors. *Ibid. cap. 39.*

That all Faithful Subjects Bruik and Joise their Tenendries, to be holden of their next Superiours, notwithstanding of an Forefaukture of their immediat Superiours in this Parliament, providing they do not thereafter make Defection from the Kings Authority. *Jam. 6, Par. 2, Cap. 37.*

Act Ratifying the former Acts, *Jam. 6, Par. 2, Cap. 37.* And declaring it to have been Valid from the beginning. *Jam. 6, Par. 5, cap. 65.*

That no Procces of Forefaukture for Treason against the King, or his Estate be reduced for any pretended Nullity of Procces, while first the Crime be freely Remitted, or the Party Tried, and Acquit; And that no Advocat,

Winter, or others Travail, Solist, or Advise in the contrary, without the Advice of the King and Parliament, under the pain to be seque partakers with the said Traitors. *Item*, That the King restore against Forefaulkures only by way of Grace. *Jam. 6, Par. 2, cap. 135.*

That by Forefaulkure of Persons convict of Treason, the King hath Right to all Lands holden of himself: As also to present Heretable Tennents in their place, to their other Over-Lords, And likewise to all Tacks, and Possessions pertaining to them, And therefore, and for preventing the Abstrafking of Writs, It's ordained that all Lands, and Heretages, peaceably Posselt by any Persons Forefaulked for lese Majesty, or by them to whom the Apperand Air Forefaulked should Succeed for Five Years before the Sentence or the Decease of the said Apperand Airs Predecessors by Labouring, Setting, and Uplifting, the Mails thereof as their Heretage; and sun. Repund Heretable Posseltors of the same, for the saids Five Years, shall appertain to the King and his Donator, without any Question to be moved thereanent, albeit they cannot shew the Securies made thereanent, to the Persons Forefaulked or their Predecessors: *Item*, That the said Posseltions be Tryed upon a Commission under the Quarter Seal, be an Assise of the Shire where the Lands lye, or others that best knows the Rule, and their Verdict to be retoured to the Chancellary, and to be of alle great strength as the Forefaulk Persons Rights to the Lands: *Item*, That the King or his Donator be summarly Entered to the Posseltion and Tacks of the Rebels, and continue therein unaltered, or hightned for Five Years, that they may search out the Tacks, and Titles. *Item*, That the Person presented to a Few Forefaulked, or any Vassal of a Fewer Forefaulked be not compelled to produce acquitances of Few-Mails or Annualrent out of the Forefaulked Lands of any Years preceeding, or since the Forefaulkure, they always payand the saids Annualrents or Few-Durics in time coming, how soon it shall be Verified that the Lands are lyable by the Inseftments of the Persons Forefaulked. *Jam. 6, par. 9, cap. 2.*

Act, Annulling an *Act* of the Parliament first of June 1592, In Favours of Vassals of Persons Forefaulked, and ordaining it to be delick. *Jam. 6, par. 14, cap. 301,* and accordingly the *Act* is not now Found.

That no Bonds, Assignations, Pension, or Factory Grained by Persons Forefaulked be Valid, unless either Confirmed by his Majesty, or Authorized by a Decreet
be.

before the Persons Forefaulked, were first Summoned for the Crime. *Ibid.* Cap. 202.

Forefaulkure of the Earl of Gowry and his Estate Annexed to the Crown. *Jam. 6, Per. 16, Cap. 2.* and the Act *Jam. 6, Per. 2, cap. 37.* Ratified in Favour of his Vassals and Tacksmen, and that notwithstanding of the Act, *Jam. 6, per. 14, Cap. 201.* They pay and to the King and their other Superiours *respective* Ten Pound for each Twenty Shilling Land, that they hold of Gowry, betwixt and Whitsunday 1601, for Composition. *Ibid.* cap. 9.

Ratification of the Forefaulkures of the Earl of Buchan, and of the Earl of Gowry and his Brother, that no Restitution of Grace prejudge the Kings Donator, but be alienarily Extended to the Rehabilitation of the Person to whom it is Granted: And that the Extracts of Dispositions or Confirmations shall be as Valid to the Kings Donator, as if the Principal Evidents were Extant, which are not to be improven for nor Production: the Donator abiding at the Verity of the Deed, and of its Extract. *Jam. 6, Per. 12, cap. 4.*

Act, Ratifying the Process and Dooms of Forefaulkure Laid and Pronounced against certain Persons Named in the Act for the Rebellion 1666, before and by the Justices, albeit the Parties were absent. *Chs. 2, Per. 2, Sess. 2, Cap. 11.* And this procedure is made a Rule in time coming. See the Act in *Treason.*

But this Act in so far as concerns the said Ratification Rescinded, and the Persons so Forefaulked, particularly *Caldwell, Kewland, and Mr. William Strick Minister, Restored per modum Justitie. W. and M. per. 1, Sess. 2, cap. 31.*

Act, Reducing and Rescinding *ex Justitie*, the Forefaulkure of *Andrew Fletcher of Salton. W. and M. Per. 1, Sess. 2, Cap. 16.*

Act, Rescinding the Decrees of Forefaulkures, past against the Persons therein Named, And also all other Decrees of Forefaulkure Pronounced after the first of January 1667, to the 5th of November 1689; Excepting such as are Excepted in the Act, As likewise Discharging all Fines, Unlawes, Penalties and Escheats, Decreed or Adjudged by Sentences in that time, with a full Restitution of Persons otherways Laid for the causes mentioned in the Act, and the Act contains Provisions as to Decrees, Singular Succession, Compositions, and other Remedies, with a Commission to render the Act more effectual, and to try the particular cases therein Remitted, and to Report, all which are to be seen in the Act.

and the same excepted from the Act *Salvo, W. and M. Par. 1, Sess. 2, cap. 18.* But all the special remits to this Commission discharged, so as the persons Forefaulted therein concerned are reponed to the possession they had before their Forefaultures, And the Lords of Session are to Administrate Justice on all the Heads and Articles of the above Act generally referred to the said Commission; And also on the Remit of the Case of Mr. Francis Montgomery; And the foresaid Commission is continued, as to all cases there depending, or expressly referred to them, to try and report without prejudice of Reports already concluded; As also to Persons who have pursued before the Commission, what may be pursued before the Lords of Session to lift their Actions, tho' brought to a Report. *Sess. 4, cap. 18, Ibid.*

And the Lords of Session are ordained to Administer Justice to the Persons above concerned summarily without abiding the order of the Roll. *Cap. 38, Ibid.*

Act declaring how far persons Forefaulted and restored in this Parliament, and their Cautioners are to be lyable to their Creditors for Annualrent, during their Dispossession; And farther determining the ease to be given them as to the payment of their Principals; with a remit to the Lords of Session of *Caldwall's Case*, as to the Repetition of Rents, and the cases of other Forfaultures, depending before the Parliament, *W. and M. Par. 1, Sess. 5, cap. 16.*

That Compositions for Forefaultures to be refunded by the said Act, *W. and M. Par. 1, Sess. 2, cap. 18.* be repayed with Annualrent, since the date thereof. *Item,* That Forfaulted Persons restored by the said Act, be reponed to the same ease for preference, either as to Debt or Relieif due to them, as if they had done all possible Diligence, and not Forefaulted, *Cap. 25, Ibid.*

That in the case of all Forfaultures, since the Year 1688, And hereafter, His Majesty, or His Donator, may at sight of the Lords of Session get set off to the Creditors Parts of the Estate, in satisfaction of their Debts, That His Majesty may have the superplus, *Sess. 6, cap. 24, Ibid.* Restriction of Forfaultures, That Tacks cled with possession, and Debts Registrate, or on which there is Diligence before the Treason, where the Treason is open and notour, or before Citation, where the Treason is latent be not prejudged by the Forfaulture. *Item,* That Estates Forfaulted be subject to all real Actions and Claims, Excepting for Few-duties and other Annual Prestations, tho' not raised or insisted in, within the five Years proceeding the Forfaulture, notwithstanding the Act *Jam. 6, Par. 2, Cap. 2,* which is here in so far Rescinded.

As also to all Creditors for their principal Sums alienably, where the Debts are contracted off before as above, As likewise to all Casualties due to the Superior, either before or after the Forefaulchur. *Item*, That the Forefaulchur of the Superior prejudice not His Vassals, nor the Forefaulchur of the Heir of Tailzie, where the Tailzie is Registrat conform to the Act 1685, the Substitutes in the Tailzie but alienably the person Forefaulched his Right or Power the time of committing the Treason or the time of Citation as above; And in so far as the same is not exercised and exhausted by Deeds, which must also be Registrat or contained in a Contract of Marriage. *Item*, The Forefaulchures, prejudice neither Wife, nor Husband, as to Terce nor Courtesy, nor any Oblidgements in their Contracts of Marriage. *Item*, The Clause in the Act 1685, securing the King against Tailzies, as to Confiscations, and Fines Rescinded. *W. and M. Par. 1, Sess. 2. Cap. 33.*

Act Rescinding the Forefaulchur of the deceased John Swintoun of that Ilk, and restoring his Son against the same, and all that followed on it by way of Justice, and the same excepted from the Act Salvo, *W. and M. Par. 1, Sess. 2, Cap. 41.* The Act notices very fully the Form of Process, and Doods of Forefaulchur.

Act Rescinding the Forefaulchures of Sir Patrick Home, now Earl of Marchmont 22 of July 1690, Act Rescinding the Forefaulchur of the Earl of Melvill 22 July 1690. Ratified, 12, of June 1693.

Forfar Burgh.

Act changing the Mercat Day of Forfar, from Sunday to Friday Weekly, *Jas. 6, Par. 13, Cap. 195.*

Fornication.

Fornicators, as well the Man as the Woman, to pay for the first Fault, Forty pounds, for the second an Hundred Merks, for the Third, an Hundred pounds; And so forth alwayes an Hundred pounds, or else to be punished corporally, as in the Act; And the saids Fines to be applyed *ad piec a piec*, within the Bounds, as the King shall order, *Jam. 6, Par. 1, Cap. 13.*

Fornication made Fineable by the Justice in Four Hundred pounds, the Nobleman, Two Hundred pounds, the Baron, an Hundred pounds, the Gentleman, and Burgesse, and Ten pounds every Inferior person; And that the pain be doubled *Toties quoties*, and levied of the Woman, as well as the Man, and applyed as in the Act *Ch. 2, Par. 1, Sess. 1, Cap. 38. See it in Justices of Peace.*

For-

Forrests.

That all proceeding Right by Infinement, or Tack of keeping the Kings Forrests produce the same, And that no such keeper suffer any manner of Goods to be pastured therein under the pain of Tinsel of their Offices and Escheat of their Moveables, if others be found Pasturing therein, that they be Imprisoned, and the Goods found Escheat, Two part to the King, and a Third to the Keeper. *Item*, That the negligent Keeper Time his Office, and that Landed Men or their Keepers may Escheat all Goods found within their hained Woods, or Forrests, *Jam. 5, Par. 4. Cap. 12.*

All Goods found pasturing in the Kings Parks, or Forrests, without the Comptrollers Licence, may be by him Escheated to the King, *Jam. 6, Par. 12. Cap. 12B.*

And the Keepers may intronet therewith, half to the King, half to himself. Who cuts any Timber within the Kings Woods, or Forrests, or slays Deer, or Wild-Fowl therein, with Gun, Bow, Dog, Hawlk, or other Engine, or Shoots with any Gun cheasin, or in the Night, within a Mile thereof, or slays any Deer, straying in time of Storm, Time all their Goods as Escheat. *Item*, That none Hunt or Hawlk within Six Miles of the Kings Woods, Parks, Castles, and Palaces, under the pain of an Hundred pounds, half to the King, half to the Relator. *Jam. 6, Par. 14, Cap. 21C.*

That the Keepers of Forrests and others having Right shewen by their Infiments shall have Power and Jurisdiction, to convene before them the Transgressors of the saids Statutes, and to try them by an Inquest, and Execute the saids Acts against them; To wit, the Slayers and Shooters at Deer, Roe, and Wild-Fowl, being Landed Men, under the pain of Five Hundred Marks, and being unlanded an Hundred Marks &c. conform to the former Acts. *Jam. 6, Par. 22. Cap. 18.* But this pain of 500 Marks said to be formerly statute against Landed Men does not appear.

Forth-Water see Fish, and Fishing.

Fraud see Air and Alienation.

Found-

Acts of Parliament. **Founding.**

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The Art and Work of Founding declared to be a Manufacture, for the space of Nineteen Years, after the 15 of June 1686, *Jam. 7, Par. 1, Sess. 2, cap. 31.*

France.

That the old Alliance with France be renewed and confirmed, and Reformation sought of Abuses, conform thereto, *Jam. 4, Par. 3, cap. 23.*

Frenchmen Naturalized in Scotland, as Scotsmen are in France, and the French Letter of Naturality for the Scots is Insert and Recorded in the Act, *Q. M. Par. 8, cap. 65 and 66. Temporary Act, against going to, or abiding in France, W. and M. Par. 1, Sess. 4, cap. 8. See it in Treason.*

Free-Holder.

That all Free-Holders dwelling in the Shire, compare at the Three Head Courts, with their Seals, or send a sufficient Attourney therewith; And so upon Courts set on Fifteen Days Warning, and if the Court be not sufficiently furnished in the Trial, the Sheriff may Charge the Gentles of the Regality, and the pain of Non-compearance, an Un-law of Court, *Jam. 1, Par. 9, cap. 130.* That all Free-Holders give Suit and Presence at the Three Head Courts, if they owe the same, or send sufficient Suitors, if they owe but Suit. *Jam. 5, par. 6, Cap. 71.*

The Acts ancient Free-holders, or small Barons, sending their Commissioners to the Parliament, or Convention. See *Parliament.*

Fugitive, see Horning, and Rebell.

That all Fugitives from the King, or any of his Lieutenants, be punished as Publick and Notour Rebels, *Jam. 1, Par. 8, cap. 111.*

Furious.

That their nearest Agnat or Kinsman, be Served and
Re-

Preferred to be their Tutors, or Curators, according to the Common-Law, *Jam. 6, Par. 10, cap. 18. See Curator or Idiocy.*

G.

Galleys.

That Barons and Lords having Lands in the West and North, on the Sea-Coast, and not Intest with this Burden, have Galleys, each Four Mark-land an Oar: And that the Lands within Six Miles, contribute to the Sustentation of the saids Galleys, *Jam. 1, par. 9, cap. 126.*

Game.

Act for preserving Game, Ratifying all former Laws and Acts, particularly a Proclamation of Council the 9 of June 1642 for that Effect, which Proclamation here Incorporated doth very fully Revive all Laws about Hunting or Hawlking, and Slaying of all Wild Beasts and Fowls; As also, anent Salmond Filhing, and other Filhing, and contains a Nomination of Masters of Game, with many good Rules and Instructions for the Policy of the Kingdom. *Jam. 7, Par. 1, cap. 20.* This Act Ratified with a Prorogation of Seven Years longer against Set Dogs, *W. Par. 1, Sess. 7, cap. 15.*

That none Steal a Hawlk out of the Nest, or Air, or take a Collar from a Dogs Neck, or Vervel from a Hawlk with the Masters Name or Stile on it, under the pain of 500 Merks. Item, Anent Dogs strayed, or Hawlks got louse, how they should be Booked and Restored. *Jam. 7, Par. 1, cap. 21.*

Garrisons.

Order for Garrisons in the Border, and that the Sheriffs Tax and return Mens Avails for bearing the Charge. *Jam. 2, Par. 12, cap. 55.*

The power of Commanding, Ordering, or otherways disposing of all Strengths, Forts, and Garrisons, doth properly belong to the King, and his Successors, as their undoubted Right; the Subjects being always free of their Provision

Acts of Parliament.

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Provision, unless concluded in Parliament, *Car. 2, Par. 2, Sess. 1, cap. 5*. See the Act in King. The Act is, *All al-*
tering His Majesty's Royal Prerogative in the Militia, &c.

Dean of Gild.

Confirmation of the Dean of Gild and his Council their Jurisdiction, in all Actions concerning Merchants, and as it is used in *Edinburgh*, and that according to the Form used in *Paris* or *Rowen*, and other Towns of *France* or *Flanders*, *Jam. 6, par. 13, cap. 180.*

Girth, or Sanctuary.

That where the Committer of Slaughter on Forethought Feltonic flies to Girth or Sanctuary, the Sheriff require him on Caution, and take Tryal by an Inquest, if the Crime was Committed by him on Forethought-Feltonic, *Tanquam insidiator et per industriam*: And if so then the Committer to be Punished: And if not then he be Restored to the Girth, *Jam. 3, par. 5, cap. 36, Jam. 3, par. 6, cap. 43.*

That all Masters of Girths make Deputs under them, dwelling at, or near the Girths, who may be Charged to Deliver all Committers of Slaughter on Forethought-Feltonic, and other Trespassours, who break Girth, and may not bruik its Priviledge: And if these Baillies being Charged, refuse to Deliver, that they be rigorously Punished in their Bodies and Goods, *Jam. 5, Par. 4, cap. 23*. This Act made because the Masters of Girths, Spiritual Men, were said to refuse to Deliver Trespassours.

Glasgow.

That the City of *Glasgow* and Council thereof, have Power to choise their own Magistrates and Officers, as Fully and Freely as *Edinburgh*, or any other Burgh Royal, at, and from *Michaelmas* next 1690. But prejudice to the Rights of the Regality of *Glasgow*, or other Rights pertaining to their Majesties. *W. and M. Par. 1, Sess. 2, Cap. 15.*

Gleib, see Manfes.

The Quantity, Designation, and Priviledges, and other things relating to Gleibs, all serdown under *Manfes*, because of their Contingency.

That Ministers and Readers, pay no Teinds for their Gleibs. *Jam. 6, Par. 5, Cap. 61.*

Or for their Sums Grati, appointed in stead thereof. *Jam. 6, Par. 23, Cap. 10. but see Manfes.*

Gold-

Gold and Silver, see Money.
Gold-Smith, see Craft and
herein.

Gold and Silver-Work.

That Gold-Work made, be Eleven Grains Fine, and that it be marked by the Maker and Deacon, and if there be but one Gold-Spich in a Towa, by him and the Magistrate: And if either the Work be not of that Fineness, or not marked in the first case, both the Magistrate and Deacon, and in the second, the Maker shall Tine his Goods to the King, and his Life be in the Kings Will. *Jam. 2, Par. 14, Cap. 65.*

Item, That Gold-Smiths-Work be Marked, by the Maker, Deacon, and Town-Mark, of the Fineness of Eleven Penny Fine, otherways the Work to be broken, and the Maker in the Kings Will: And that Gold-Smiths be admitted by the whole Craft, and their Officer. *Jam. 3, Par. 13, Cap. 94.*

Item, That their Work be Marked by the Maker and Deacon; and that Silver-Work be of the Fineness of the new Work of Brager, and Gold-Work, as Fine as the Master of the first Melting-down by the Owner. *Jam. 6 Par. 2, Cap. 13.*

That no Gold-Smith make Work of Silver, under Eleven Penny Fine, and of Gold, under Twenty Two Carrat Fine, under the pain of Death, and Forfeiture of Movable, and that all Work be Marked by the Maker, and the Town-Mark. *2, M. Par. 6, Cap. 36.*

Golf, See Foot-ball.

Government.

If any Person by Writing, Printing, or any Malicious and advised Speaking, Express or Declare Words to stir up People to Hatred, or Dislike of the Kings Supremacy, or of Episcopal Government as now Established, or to Justifie say of these things declared against in this Act, that he be incapable of all publick Trust, and liable to the pain of Law, providing he be Processed by the King or Councils Order, and no otherways, within Eight Months after the Offence, and Sentenced within four Months after Process, *Car. 2, par. 1, 3, 2, cap. 2, towards the End. The*

Act is, for Preservation of his Majesties Person, Authority, and Government.

Ratification of all Acts for Securing the Government of the Church as now Established, *Car. 2, par. 3, cap. 4.* The Act is for Securing the Peace of the Countrey. But these Acts as to the Supremacy and Government of the Church by Bishops Rescinded, *W. and M. Par. 1, Sess. 2, Cap. 1, and cap. 5. Ibid.*

Earl of Gowrie, See Forefaul-
ture.

Clan-Greigour, See Clan.

Greenland Fishing.

The Greenland Fishing declared to have the Priviledge of a Manufacture, and that all Ale or Beir for their Ships, with a Butt of Brandy for each Ship yearly be free of Ex-
cise and all other Duties. *Item*, That nothing be abated of the Duties on Whale-bone and Soap Imported, under the pain of Confiscation of the Goods, Half to the King, Half to the Discoverer, and the Customer abating, to be Censured at sight of the Council or Exchequer, *Jam. 7, par. 1, cap. 41.*

Grievances.

Grievances represented by the Estates to the King to be redressed in Parliament. That the Committee of Parliament, Called the Artic'les, is a great Grievance to the Nation, and that there ought to be no Committees of Parliament, but such as are freely Chosen by the Estates, to prepare Motions and Overtures that are first made in the House.

That the first Act of Parliament 1669, Is inconsistent with the Establishment of the Church Government, now desired, and ought to be Abrogated.

That the Forefaultures in prejudice of Vassals, Creditors and Heirs of Entail, are a great Grievance.

That the obliging the Leidges, to Depone upon Crimes against Delinquents, otherways than when they are Adduced in special Proc'esses, as Witnesses, is a great Grievance.

That Affizes of Error are a Grievance, and the Juries be considered by Parliament.

That the eighteenth Act of Parliament 1681, Declaring a Cumulative Jurisdiction, is a Grievance.

That the Commissaries Courts, as they are now Constituted, are a Grievance.

That the Twenty seventh Act of Parliament 1663, Giving to the King Power to Impose Custom at pleasure, upon Forraign Import and Trade, is a Grievance, and prejudicial to the Trade of the Nation.

That the not taking an Effectual Course to Repress the Depredations and Robberies by the Higbland Clans, is a Grievance.

That the Banishment by the Council of the greatest part of the Advocats from Edinburgh, without a Process, was a Grievance.

That most of the Laws Enacted in the Parliament Anno 1685, are Impious and Intolerable Grievances.

That the Marriage of a King or Queen of this Realm to a Papist, is Dangerous to the Protestant Religion, and ought to be provided against.

That the Levying, or Keeping on Foot a Standing Army in time of Peace, without Consent of Parliament, is a Grievance.

That all Grievances relating to the Manner and Measure of the Leidges, their Representation in Parliament be Considered and Redressed in the first Parliament.

That the Grievances of the Burrows be Considered and Redressed in Parliament. Convention Cap. 18.

Guerra, See Courts.

Guns.

That Landed Men, and others provide Guns: for each Hundred Pound Land of new Extent, an Hagbut: for each Hundred Merk Land, Two Culverings: And for each Fourty Pound Land one Culvering, with all their Pertinents, as in the Act, Jam. 5, Par. 7, cap. 94. And that Merchants bring them home, Ibid. cap. 95.

That no Man shoot with, or wear Guns, under the pain of cutting off the Right Hand, except that Men may shoot for Pastime within their Inner Clois: And also except Mariners at Sea, Men of War in actual Wages, or Men at, or going to, or coming from Weapon-shawings, or called to Hosts, or to Assemble in Arms, or in Defence or Pursuit of Thieves, Jam. 6, Par. 1, cap. 18. Ratified, and the Pain Lessened and Changed to be Ten Pounds, and Tinsel of the Gun and Armour, unless the King appoint the former Pains to be Execute; And Magistrats of Burghs are Impowered to Execute the same, and Ward the Persons convicted,

vict, until they pay; As also, to cause them find Caution to Desist under double Pains, *Jam. 6, Par. 6, cap. 87.*

Again Ratified, and the Pain made Escheat of Moveables, Half to the King, Half to the Apprehender, But prejudice of the Pain in the said Act, *Jam. 6, Par. 1, cap. 18.* And all Sheriffs, Stewarts, Magistrats of Burghs and Barronies are Impowered to Execute this Act *ut supra, Jam. 6, par. 15, cap. 248.*

Simple Bearers and Wearers of Guns Guilty of no odious Violence, declared conveyable before the Council, and the thing to be probable by Witnesses or Oath of Party, but only to infer the Pain of Warding and Escheat, or a Pecuniary pain; but prejudice of the former Acts, if His Majesty like better to have the Offenders pursued Criminally before the Justices: And all Licenses, except granted by His Highness and Council, and composed and past all the Seals, are declared Null, *Jam. 6, par. 16, cap. 6.*

H.

Hagbuts, *see* Guns.

Haining, *see* Forrests and Planting.

Hawking, *see* Hunting.

Hawls, *see* Game.

Hawls, and Hounds.

That no Man take or Steal another Mans Hawls or Hounds, mad or Wild, nor Eggs out of Hawls Nests, under the pain of Ten Pounds, *Jam. 3, par. 7, cap. 60.* And this pain of Ten Pounds, Heightened to an Hundred Pounds, Half to the King, Half to the Dilator, *Jam. 6, par. 23, cap. 32.*

Hares, *see* Hunting and Wild Beasts.

To slay Hares in Snow time is a point of Dirtay, *Jam. 2, par. 14, cap. 88. Jam. 3, par. 7, cap. 60, and Jam. 6, par. 4, cap. 14.*

That no Man Shoot at Hares with Gun or Bow, *Jam. 6, par. 1, cap. 16*, See this, and other Acts in *Wild Beasts*.

Hearth Money, see Supplie, and Pole.

Hedges, see Planting.

That no Man make Hedges of dry Staiks, Rice, or hewen Wood, but only of lyand Wood, *Jam. 2, par. 14, cap. 83*.

Herauld, See Lyon, and Messenger.

Herefie.

That Hereticks be Punished according to the Law of the Holy Kirk, and that the secular Power assist, *Jam. 1, par. 2, cap. 28*.

Herring, see Fish, and Fishing.

That none Buy, Pack, Peil, Salt, Barrel, or Transport Herring out of the Realm before *Michaelmas* yearly, under pain of Confiscation of the Herring, Ship, and all other Goods of the Contraveeners, two Part to the King, and the Third to the Apprehender: And that all Licenses in the contrary be granted in Council, and past all the Seals, otherways are Null, *Jam. 6, par. 16, cap. 10*.

High-Lands and Borders.

That the Council meet peremptorly the first Day of every Moneth, for Repressing the Disorders of the *High-Lands and Borders*, and that a particular Register be kept of all Things concerning their good Rule, *Jam. 6, par. 11, cap. 92*.

Act appointing Land-Lords and Baillies of Lands in the Borders and High-Lands, where broken Men contained in the Roll, at the End of this Parliament, have dwelt, and dwell, to find Caution, and be otherways lyable for the Dwellers on the saids Land, and for Thieves passing through the same, in manner contained in the Act, *ibid. cap. 93*, But if the Land-Lord or Baillie do Diligence to remove these Indwellers, and make them the Kings Rebels, and do all he could do; It shall releive him of the Pain and Danger, *ibid. cap. 107*. And if they shall be constrained to Burn any Malefactor's House, or to hold them and their

Wives

Wives and Bairns of the Ground for their not Relieving them, they shall be Assailzied therefore, *ibid. cap. 108.*

That the Captains, Cheifs, or Chiftans of all Clans, and their Branches within the faids Bounds, and noted in Roll as faid is, give pledges to be kept and changed, And also be otherways lyable as in the Act, and that such as refuse to give Pledges be Pursued with Fire and Sword, as Enemies to God and the King: And the faids Pledges may be Executed to Death, in case Redress be not made by the Persons for whom they ly. *Jam. 6, Par. 11, cap. 94.* And the Pledges for the Highland to be placed on the South-side, and for the Borders, on the North-side of the Water of Forth. *Ibid. cap. 107.*

That all Notorious Thieves, born within the faids Bounds, be removed out of the In-land where they Dwell, to the parts where they were Born, unless their Land-Lords will become Surety for them. *Ibid. Cap. 95.*

That a Register be made of the faids Pledges, and other Persons for whom they ly, and who should Relieve them: As also of all the Land-Lords, Baillies, Indwellers, and Clanns within the faids Bounds. *Ibid. cap. 97.*

That all Vagabounds within the faids Bounds Impledged, or Answered for, be charged to find Soverry, and in case of Failzie be Denounced, and them, their Refecters, or the Magistrats of the Bounds, where they are wittingly Refer with Goods Stollen or Rest to be lyable to Satisfy the Parry. *Ibid. cap. 97.*

That all Bands and Acts made for, or anent broken Men, Obliges Heirs, albeit not therein mentioned. *Ibid. cap. 98.*

That Soverries made by Land-Lords and Baillies, and by Chiftians of Clanns, are not prejudicial *hinc inde.* *Ibid. Cap. 99.*

That Land-Lords, Baillies and Chiftians of notable Limmers, present such of them as the King shall require by close Valentines, otherways they are to be punished for their contempt. *Ibid. Cap. 103.*

Act, Ratifying all former Acts against the Disorders of the Highlands and Borders, ordaining Catalogues to be made, Caution to be found, Masters and Land-Lords, to be lyable to produce their Men; and Constituting all Judges, and Free-holders, Justices in that part, to Apprehend, and cause Execute to the Death, all Thieves and Sorners of the faids Bounds, in manner setdown in the Act. *Jam. 6, par. 14, Cap. 117.* The Act is, for punishing of Theifts Reiff &c.

That all Land-Lords, Heretors and Leaders of Clanns

in the Highlands and Isles, Compear betwixt and the 15 Day of May 1598 before the Exchequer, and produce the Rights and Titles, and find Caution, for Payment to his Majesty of his Rents, And that they and their Men, Tennents, Servants, and Dependents, shall be Answerable to his Highness Laws and Justices: And that they shall not injure any of his Highness Leidges, Travailing in their Bounds, and shall Redress all Parties Skaithed by them, otherways if they fail to Compear &c. That they Forfeit and Amit all their pretended Rights, and the same to be Null. *Jam. 6, Par. 15, cap. 262. Ratified as to the Payment of his Majesties Rents. Cha. 2, Par. 1, Sess. 3, Cap. 15.*

That Three Burghs be Bigged in the Highlands and Isles, One in *Kintyre*, another in *Lochaber*, and the Third in the *Lewes*, to which his Majesty Grants all the Priviledges Granted to any other Burghs: And it is declared Leasom for him to give them the Ground, and Dispose to them Lands and Filhings for their Common-Gude, to be holden Burgage. *Jam. 6, par. 15, cap. 263.*

Act, For Reprelling Depredations in the Shires therein Enumerat as Highlands, Reviving and Ratifieing all former Acts, in so far as not hereby altered, and containing a farder Expedient and Remedy: But the Act as to the Additions therein made to former Acts Limited, till the first of January 1692. *W. and M. Par. 1, Sess. 3, Cap. 4.*

Act, For a Commission of Justiciary for the Highlands, in manner and for the space of Two Years therein expressed. *W. and M. Par. 1, Sess. 4, cap. 39. Prorogate for other Three Years in the same Terms. Sess. 5, Cap. 37. Item, Prorogat a Year longer after the said Three Years, and the Commission may proceed by Indisment on a Citation of Six Days, and with close Doors, and for the pain of Death, punish Arbitrarily. Sess. 6, Cap. 40.*

Hives and Bees.

That no Man Steal Bee-Hives, under the pain of Ten Pounds, and Amends to the Party, and that it be a point in Dittay. *Jam. 4, Par. 6, Cap. 69. See it in Thistle, and the Acts there cited.*

Holy-Day, *see Sabbath.*

Homicide, *see Slaughter.*

That Casual Homicide in Lawful Defence, or Committed on Thieves, and Robbers, Breaking Houses in the Night, or the time of Masterful Depredation, or in Pursuit

rit of Rebels, Denounced for Capital Crimes, or of such who shall Assist the saids Rebels and Depredators by Arms, and by Force, oppose their Pursuit, or Apprehending, shall not be punished by Death, providing that in Homicide Casual, or in Defence, the Criminal Judge may not the less with the Advice of the Council, Fine the Slayer in his Means, to the Use of the Defuncts Wife, and Bairns, or nearest of Kin, or Imprison his Person, and this Act drawn back to the Thirteenth of February 1649. *Chas. 2, Par. 1, Sess. 1, cap. 22.*

Horning.

That Persons Possessing Benefices, or other Ecclesiastick Rents, remaining Year and Day at the Horn, Time their Lifrent, sicklike as Temporal Men do. *Jam. 6, Par. 3, cap. 49.* See the Act about Temporal Mens losing their Lifrents to their Superiours, in the case fore-said being. *Jam. 5, par. 4, cap. 32.* See it in *Superiours.*

That all Letters of Horning and Relaxation be Registrat within Fiteen Days after the Denunciation, or Relaxation, made in Sheriffs Books, and marked and given back by the Clerk, (Receiving for his pains Six shillings Eight pennies) within Twenty Four Hours otherways the saids Letters not to be holden Lawfully Execute, but the Execution to be Null: *Item,* That the Extraçers make Faith, and be esteemed as Authentick: *Item,* That the Relaxation be made at the Mercat Cross of the Head Burgh of the Shire where the Rebel Dwelt, and the Denunciation was made, and that it be Registrat in the same Books. *Jam. 6, par. 6, cap. 75.* The Act is, For punishment of Persons, that continuously remains Rebels, and at the Kings Horn. Some Doubts arising upon this Act, (*quoad praterita*) not now casible, Decided. *Item,* That Letters of Horning, duly Execute for not Compearing to underly the Law, or for not finding Soverry, and Reported as use is, to the Justice Clerk, and his Deputes, shall be as sufficient as if Registrat in the Sheriffs Books. *Item,* That Hornings within Stewartries and Regaliries, be Registrat within the Books thereof; And that Hornings against Witnesses need no Registration. *Jam. 6, par. 8, cap. 142.* *Item,* Denunciation at the Mercat Cross of the Head Burgh where the Justice Clerk sits, and Registration in the Journal Books in the Cases of not Compearing, or not finding Soverry, as said is, are declared to be as sufficient as Denunciation and Registration, in the Shire where the

the Rebel Dwell. *Ibid.* cap. 140. The Act is, *Allegation to the Acts made of before, anent the coming to Courts &c.* See the Act in Crimes and Criminal Process. *Item*, That the Denunciation of such as are lyable to Compt in the Exchequer, made for their Disobedience, at the Mercat Crofs of *Edinburgh*, and Registration in the Thesaurer Books, or Sheriff of *Edinburgh* his Books, docerned to be as Good as made at the Crofs of the Head Burgh of the Shire where the Person Lives, and in the Books of the Sheriff thereof. *Jam.* 6, par. 11, cap. 63. The Act is, *The Checker should begin the first Day of July &c.* See the Act in Exchequer; As also the Act *Ch.* 2, Par. 1, *Seff.* 3, Cap. 15. The Act is, *Anent the Inbringing of his Majesties Rents.*

The Denunciations to the Horn on Acts of Adjournal, made at the Mercat Crofs of *Edinburgh*, be as Lawful to make the Escheat fall, as it made at the Head Burgh of the Shire where the Rebel Dwells, Declaring nevertheless the Inhabitants not to be in *mala fide*, as to Refet, until the Denunciation be duly made within the same. *Jam.* 6, Par. 12, Cap. 126. The Act is, *For Names of the Rebels should be delivered to the Thesaurer &c.*

Denunciations to the Horn of Persons Excommunicat, made at the Mercat Crofs of *Edinburgh*, and Peer and Shoar of *Leith*, declared to be sufficient, both for Caption and Escheat. *Ch.* 2, Par. 1, *Seff.* 1, Cap. 15. See the Act in Excommunication.

That Letters of Horning and Relaxations of Persons Dwelland within Stewartries, and Bailliaries, Royalty, or Regality, be Execute at the Mercat Crofs of the Head Burgh, and Registrat in the Books thereof, and that all Executions and Registration otherways made be Null. *Jam.* 6, Par. 15, Cap. 264.

Item, That Registration of Hornings and Relaxations be made Judicially, or before an Notar, and Four Witnesses beside the Clerk, and if the Sheriff, Stewart, or Bailly, refuse to Registrat, and be thereupon Instrumented, the Letters may be Registrat by the next Sheriff, Stewart, or Bailly, or by the Clerk Register and his Deputes. *Ibid.* Cap. 265. But that part of the Act requiring a Notar and Witnesses Rescinded, Declaring Registrations made by the Sheriffs, Stewarts, and Baillies, Clerk, or by the Clerk Register and his Deputes to be sufficient. *Jam.* 6, Par. 16, Cap. 13.

That the Tenor of Letters of Horning, and Executions thereof, shall not be admitted to be proven by Witnesses. *Jam.* 6, Par. 6, Cap. 94.

That

That Letters of Horning, be not Generally Directed against all and sundry, except it be a Burgh, Colledge, or Community, representing a Body, at least that no Person be thereon Denounced, unless first specially called to hear the saids Letters directed against him for a special Cause, And for that end, that in all Ministers Assignations to Thurds, or the like, the special Lands, Tennents, and Duties be contained. *Item*, A Beneficed Man may seek General Letters, conform to his provision, for Publication thereof, but not to Denounce thereupon, as said is. *Jam. 6, par. 12, cap. 140.*

A Reduction of an Horning and Denunciation being presented upon an Acquittance, proving the Debt to have been payed before, for preventing Collusion in prejudice of his Majesties Casualty, the producer thereof must Swear Solemnly before the Lords, that the Acquittance is True, and of a true Date, otherways he shall not be heard against the King. *Jam. 6, Par. 14, cap. 209.*
The Act is, *For trial of the Truth of Acquittances &c.*

That no Letters of Horning, (such as for finding of Law-Burrows, or Compearing before the Council) be direct against Persons Dwelling be-North Dee, upon shorter time then Fifteen Days, otherways the same to be Null. *Jam. 6, Par. 16, cap. 25.*

That Letters of Horning be direct on Sheriffs, Stewarts, or Baillies of Royalty or Regality their Decrets, as on Decrets of Provost, and Baillies of Burgh, by the Act. *Jam. 6, par. 13, cap. 177. in Burghs, Jam. 6, par. 18, cap. 10.*

The same Statute as to Admiral Decrets. *Jam. 6, par. 20, cap. 15.*

And as to Commissaries their Decrets. *Jam. 6, par. 21, cap. 7.*

Ratified, and Poinding as well as Horning, ordered upon the saids Sheriffs, Commissars, and other Inferiour Judges their Decrets. *Cha. 2, par. 1, Sess. 1, cap. 29.* The Act indeed only Ratifies, and Refers to the said Act. *Jam. 6, par. 18, cap. 10.* wherein neither Commissar nor Admiral is Named; But seing it Expresses Commissars, and other Inferiour Judicatories as therein Named, its probable that the meaning of the Act is also large as here is made.

Horning for a Civil Cause, declared to be no Defence to any Party, who shall Slay, or Mutilat, the Person so Denounced, And that this Act have place allenarly, for such Crimes as shall be committed thereafter. *Jam. 6, par. 21, cap. 3.*

Genl.

General Letters of Horning Discharged, Except for the Kings Revenue, and Ministers Stipends, on Decrets of Locality, and General Letters on Decrets for pointing the Ground may Proceed, as formerly. *W. and M. par. 1, Sess. 2, cap. 13.*

All Hornings past by Deliverance of the Session, or Justiciary, from the first November 1688, to the 15 of October 1689, declared Null. *W. and M. par. 1, Sess. 2, cap. 40*

Horse.

That no Horse under Three Year Old outgone, be Sold out of the Realm, under pain of Escheat of the Horse. *Jam. 1, par. 2, cap. 31.*

That no Horse be Transported forth of the Realm by Sea, under the pain of Escheat of the Horse, Ship, and Remanent Goods of the Transporter. *Jam. 6, par. 1, cap. 22.* The Preface of this Act, mentions Transporting of Horse to *Bourdeaux*.

That a Smith Shoeing a Horse in the Quick, pay the Coast of the Horse, till he be whole; and furnish the Owner with another, and if the Horse will not Mend, that the Smith hold the Horse, and pay the Price. *Jam. 3, par. 10, cap. 79.*

That Slayers or Hockers of Horse or Oxen, or other Cattel, and their Maintainers, and Resettlers be punished to the Death as Theives, and the Maintainers and Resettlers of Theives. *Jam. 6, Par. 7, Cap. 110.* Ratified, but confined to the time of Labouring, and Extended to Cutters and Destroyers of Pleugh-Gear, in time of Tilling, and to Strickers, Goarers, and Fellers of Oxen or Horse, in time of Leading of Corns, or Fewel. *Jam. 6, Par. 11, Cap. 82.*

That none under a Baron or Landed Man, worth a Thousand Merks of Yearly Free Rent, keep Horse at the hard Meat, after the Fifteen of May, or take them in before the Fifteen of October, under the pain of Escheat of the Horse. *Jam. 6, Par. 7, Cap. 112.* But this Act Ratified, And it is Statute, That none under Two Thousand Pounds Yearly, keep Horse at hard Meat after the first of June, and that after the said Day, the Earl, and Lord keep only Two, and the Baron One, at most, under the pain of Escheat of the Horse kept in the contrary, with which the Sheriffs are Impowered to Intervene, half to the King, and half to themselves. *Jam. 6, Par. 11, cap. 56.*

Horse-

Horse-Races.

If any Man Gain by Wagers upon Horse-Races, above the Sum of an Hundred Merks, That the Superplus be consigned in the Hands of the Collector for the Poor, and Magistrates in Burghs, Sheriffs, and Justices of Peace in the Country, are Impowered to Pursue for the said Superplus Gain, or else, are declared lyable to the Informer in the double thereof, half to him, the other half to the Poor. *Jam. 6, Par. 23, Cap. 14.* The Act is Extended to *Cards and Dice.*

Hospitals.

That Hospitals be Visited by the Chancellour, the Ordinary, and Two Honest Men, and their Foundation Examined, or if they cannot be found, that Inquisition be taken, and the matter Referred to the King. *Jam. 2, Par. 14, Cap. 69.* That where the Foundations of Hospitals cannot be found, the Fruits be Assigned to the Poor. *Jam. 3, Par. 1, Cha. 10.* That Hospitals be Visited, and the King Name Visitors. *Jam. 5, Par. 7, Cap. 101.*

A New Visitation appointed. *viz.* For Hospitals of the Kings Foundation by the Chancellour, and all others by the Bishops, with Power to the Visitors to Charge for Production of the Foundations, Fees and Tacks, and that they Report bewixt and Pasch next. *Jam. 6, Par. 5, cap. 63, Anno 1578. See Donations Pious.*

Recommendation to his Majesty to cause Visit Hospitals, and inquire after Mortifications. *W. Par. 1, Sess. 6, cap. 29. Renewed. Sess. 9, Cap. 21.*

Host.

That all Men betwixt Sixty and Sixteen be ready Horsed and Geired, as they best may for Defence of the Realm, and to come to the Borders, otherways to be punished in their Bodies, and Goods, and that Weapon-shawings be kept from Thirty Days to Thirty Days. *Jam. 2, Par. 13, cap. 56. Anno 1456. See Weapon-shawings.*

That no Person coming to the Kings Host, Destroy Meadows or Corns, or Spuilzy Goods in coming or going, And that each Baron Answer for the Men of his Leading, to present them, or pay the Skaith. *Jam. 3, par. 11, cap. 82.*

That for Saving Corns, and Meadows, the Kings Army be Unhorsed, and ready to March on Foot, Except Lords,

Lords, Barons, and others Licenced by the King. *Jam. 5, Par. 6, cap. 86.*

If any Man be Slain or Hurt to Death by the Enemy, or Die in the Kings Host, during the time of it, that his Heir have his Waird, Relcif, and Marriage of the King Free. *Jam. 4, Par. 7, cap. 102.* This Act bears to be made at *Tusfilbauch* in *Northumberland* by the King and his Lords present in the Host, 24 of *August* 1513. The same Statute, and Extended to the Vassals of all other Superiours. *Jam. 5, Par. 2, Cap. 3.* But this Act mentions not such as Die in the Host, This is also Extended to Un-landed Men, that their Wives and Bairns Bruik their Tacks and Steedings, for Five Years after Slaughter, or Wounding to Death, *Gressum Free.* *Ibid. cap. 4.*

A Church-Man Slain or Hurt to Death, or Dying of Sicknes taken in the Host, then Marching against the *English*, That his nearest of Kin (most able therefore) have his Benefice. *Q. M. par. 3, Cap. 4.*

As also that any Vassal so Slain, or Dying, have his Waird, Marriage, Non-entry and Relcif Free, only if there be Bairns beside the Heir, that then they have the Benefice of the Waird of the Lands. *Ibid. Cap. 5.* That in case of any Mans Decease as aforesaid his Wife, Bairns, Assignes or Executors, have his Tacks and Steedings, *Gressum Free* for Five Years thereafter, payand the wonted Duty. *Ibid. cap. 6.*

Thir three last Acts renewed in favours of such as should be slain, or Wounded to Death by the Rebels then within the Burgh and Castle of *Edinburgh*, Resisting His Majesties Authority, *Jam. 6, Par. 2, Cap. 41, 42, and 43.*

That the Heirs of such as shall be slain or hurt to the Death in Militarie Service within their Majesties Dominions, in Defence of the *Protestant Religion*, our Laws and Liberties, and their Majesties Authority shall be free of Ward, Relcif, Marriage and Non-entry, thereby vaiking, *W. and M. Par. 1, Sess. 3, Cap. 37.*

Hostellaries.

That in all Burrows, and through Fairs there be Hostellaries having Stables and Chambers, and Provision for Horse, and Man, *Jam. 1, Par. 1, Cap. 24.*

That all travelling Men on Horse or Foot Lodge in Hostellaries, unless they Lead Money with them, in which case they may Lodge with their Friends; and that none receive Travellers, except Hostellaries, under the pain of Fourty *shillings* to the King, *Jam. 1, Par. 3, Cap. 56.*

That

That honest and competent Hostellaries be made in all Burghs, *Jam. 1, Par. 6, Cap. 85.*

Ratified, and that all Baillies of Burrows and Barrons, *see to the Provision of the saids Hostellaries, Jam. 5, Par. 4, Cap. 18.*

House-Holders.

That all House-holders worth three Hundred Merks of yearly Rents, or Five Hundred Pounds of Stock, have an Bible, and Psalm Book, in Vulgar Language, in their Houses, under the pain of Ten Pounds, Two Thirds of it to the Poor, and the other Third to the Magistrats in Burgh, and to the Kings Commissioners in Paroches to Landwart, who are appointed to execute this Act, *Jam. 6, Par. 6, Cap. 72.*

Houses Ruinous, *see Burghs.* Hunting, and Hawking.

That none slay Hares in Snow time, *see Hares*, and that no Man slay Doe, Rae, nor Deer in time of Storm, or Snow or their Kids, while they be a year old, under the pain of Ten Pounds, *Jam. 3, Par. 7, Cap. 61, see it in Wild Beasts*, and the Acts that there follow.

That no Man Ride, or Gang in his Neighbours Corns in Hunting, or Hawking, from Pasch, till they be Shorn, and upon Wheat at no time in the year; *Item*, That no Partridge be taken till Michaelmas, and that no Man range anothers Woods, Hastings, nor Inclosures within Dikes, under the pain of Damages to the Party, and Ten Pounds for the First, Twenty Pounds for the Second, and Eleventh of Moveables for the Third Fault, to the King. *2. M. par. 6, Chs. 51.* And that no Man Hunt, Shoot, or Slay, Deer or Rae in others Inclosures. *See it in Twelft.*

That none Hunt or Hawlk, within Six Miles of the Kings Woods, Parks, Castles, and Palaces, under the pain of an Hundred Pounds, half to the King, half to the Delator, *Jam. 6, par. 14, cap. 210.*

That no Man Hunt or Hawlk, who hath not a Pleugh of Land in Heretage, under the pain of an Hundreded Pounds, half to the King, half to the Delator. *Jam. 6, Par. 23, Chs. 31.*

Husbands.

The Fining of Husbands, for their Wives withdrawing from the Ordinances, declared to be Legal. *Jam. 7, par. 1,*

Par. 1. Cap. 6. But this Act Rescinded, W. and M. Par. 1. Sess. 2. Cap. 27, and 28.

I.

Idiotrie.

That the Breive of Idiotrie, bear to enquire of the Folly and Furiosity, and how long time the Person was of these Conditions, to the effect, that all Alienations made by the Fool or Furious Person, after that time may be Retreated, as well as Alienations made after serving of the Breive, *Jam. 3. par. 8. cap. 66.*

That the nearest Agnat, or Kinsman of natural Fools, Idiots, and Furious Persons, be Served and preferred to their Tutor or Curatory, after the Disposition of the Common Law, *Jam. 6. par. 10. cap. 18.*

Idle-men.

That the Sheriff Enquire after Idle-men, and put them to Work, or Service, or else in Prison, and that the like be done in Burrows, *Jam. 1. par. 3. cap. 66. See Beggers, Manufacturiers, and Poor.*

Jesuites.

The Acts against Jesuites, See in *Papists and Religion.*

Import, See Forbidden Goods, and Trade.

Improbation, See Falshood.

Who offers to Improve a Writ as False, either by way of Action, or exception, should find Caution, or Enact himself to pay a Pain Arbitral, in case he Succumb: Half to the Queen, Half to the Party; and where the Kings Advocat pursues, that the Informer find the Caution, *2. M. par. 7. cap. 62.*

Incest.

That such as commit Incest, by abusing their Bodies with Persons in degree expressly forbidden by GODS Word, *Leviticus Chap. 18.* be punished by Death, *Jam. 6. par. 1. cap. 14.*

Inclosures.

Inclosures.

That no Man range anothers Inclosures, *2 M. par. 6 cap. 51, See it in Hunting.*

Act for making of Inclosures, *Car. 2, par. 1, Sect. 2 cap. 41, See it in Planting.*

Indemnity, See Oblivion.

Act of Indemnity and Exoneration to them that served the King in the Civil Troubles preceeding, *Jam. 6, par. 7, cap. 109, Anno 1581.*

Indemnity to his Majesties Officers of State 1685: and all that then acted by Lawful Commission for both Commissions and Omissions, *Jam. 7, par. 1, cap. 31.*

Indorsation, See Execution.

Infestment, See Chartor, and Seafing.

A Bounding Infestment proceeding upon the Vassals Resignation, albeit it contain a new Gift, prejudices none against the Bounds and Marches, except the Superior the Granter, *Jam. 6, par. 12, cap. 136.*

Inhibition, and Interdiction, see Summonds.

That all Inhibitions and Interdictions with their Executions be Registrat within Fourty Days after their Publication and Execution, first in the Books of the Sheriff of the Shire where the Party Dwels; and if he have his Lands or most Part thereof, lying in another Shire, in the Books of that Shire also, and that the Clerk give back the Letters and Execution marked by him within Twenty Four Hours, receiving Five Shillings for his pains, and the Extracts to make Faith in all cases, except that of Improbation; And that no Inhibition or Interdiction be of Force, but Null, except it be so Registrat, *Jam. 6, par. 7, cap. 119.*

That Inhibitions and Interdictions against Persons dwelling within Stewartries and Bailliaries in Regality, be Execute at the Head-burgh, and Registrat in the Books thereof, otherways the Executions and Registrations are Null, *Jam. 6, par. 15, cap. 264.*

That these Registrations be made Judicially, or before a Notar and four Witnesses, beside the Clerk; And if Sher-

riff, Stewart, or Bailie, refuse, and be thereupon Instrumented, the Letters may be Registrat by the next Sheriff, Stewart, or Bailie, or by the Clerk Register and his Deputs, *Jam. 6, par. 15, cap. 265.* But that part of this Act requiring Nottar and Witnesses Rescinded, and Registrations made by Sheriff, Stewart, and Bailie, Clerk, or by the Clerk Register and his Deputs declared sufficient, *Jam. 6, par. 16, cap. 13.*

Inhibitions Statute to be valid against Recognitions arising from posterior Deeds, *Jam. 7, par. 1, Sess. 2, cap. 15.*

Super Inquirendis.

That the Secretary and his Deputes pass no Letters charging Men to compare *Super Inquirendis*, or to enter their Persons in Ward, or do any other Deed, under the pain of Treason and Rebellion, and in case of Failzie, to Denounce, notwithstanding the Superscription of his Highness, or any two, or more of his Council, unless they be subscribed by the Chief Officers of State, at least Four of them, whereof the Chancellor, or Thesaurer, or Secretary one, who shall Answer that the Letters are for Treason, or Matters of the Highest Importance, *Jam. 6, par. 10, cap. 13.*

Instrument, *see* Nottar, and Witnesses.

Interloquitors, *see* Judges, and Session.

Interruption, *see* Prescription.
Ireland.

That no Man pass to *Ireland* without Licence. *Jam. 1, par. 3, cap. 61.* And that such as come from *Ireland*, have Certificat of the cause of their coming. *Ibid. cap. 62.* And that they be Examined before their Landing. *Ibid. cap. 63.* And that it be declared, That this is not done to break Old Friendship with *Irishry*, but to prevent Correspondence with the Kings Rebels there, and *Englisb* Spies; And that the pain of Contraveining be Escheat of Goods, and Body in the Kings Will. *Ibid. cap. 61, and cap. 64.*

Imposition of Three Pounds upon each Boll of Victual Imported from *Ireland*: But when Meal and Barley here exceed Eight Pounds the Boll, the Council is Impowered

to Remitt this Impofition. *Cha. 2, par. 1, Sef. 3, cap. 14.*

Another Act moft ftrictly Prohibiting the Importation of Viſtual from *Ireland*, or to Reſet the ſame, under pain of Confifcation of Veſſel and Goods, and Twelve Hundreded Pounds upon the Heretors, And Magiſtrats of Burghs within the Shires Named in the Act, in caſe they, or their Tenents or Inhabitants *reſpective* Import, or Reſet the ſame: And that they give Bond for this effect: But the Council when Meal and Bear are at, or exceed Eight pounds, and Wheat at Ten pounds or above, may allow Importations. *Cha. 2, par. 2, Sef. 3, cap. 3.*

This Act altered, and the Viſtual Imported, Ordered to be Sunck or Deſtroyed, and the Seizer or Discoverer to have the Veſſel, with the half of the Fines. *Item*, That no Horſe nor Catrel be Imported from *Ireland*, under the pain of Confifcation, and 100 Merks for each Beaſt, and the knowing Reſetter or Buyer, lyable to the ſame pain; whereof half to the Discoverer, he Purſuing and Inſtructing within Six Month. *Jam. 7, par. 1, Sef. 2, cap. 14.*

Isles, ſee High-lands, and Argyle.

That Juſtices and Sheriffs be appointed for the North and South Isles. *Jam. 4, par. 6, cap. 59.*

Judges, or Officiars, ſee Sheriffs.

That Officiars and Miniſters of the Law, be appointed that can hold the Law to the Commons, and that have ſufficiently of their own, wherein they may be puniſhed if they Trefpaſs: And that ſuch as are Inſet in Offices, and not ſufficient, ordain Deputes, for whom they ſhall be Anſwerable. *Jam. 1, par. 1, Cap. 6.*

That all Judges do full Law and Juſtice, as well to Poor as Rich, but Fraod or Guile, and appoint Advocats for Poor Folks, at the Kings Direction, who ſhould be payed by the other Party, it found in the Wipng; And that Judges reſuſing to do the Law Evenly, be Righteouſly puniſhed. *Jam. 1, Par. 2, cap. 45.*

That Juſt Men that knows the Law, be made Juſtices and other Officiars. *Jam. 2, Par. 6, cap. 12.*

All Officiars Wiſfully Trefpaſſing in their Office, Times the ſame for Year and Day. *Ibid. Cap. 17.*

That Officers or Sheriffs, &c. Faulty or Negligent, if Meretable, Tine their Office for a Year, and if not, for all the time they have it, and both to be farder punished, at the Kings Will. *Jam. 2, Par. 14, cap. 76.*

That all Parties first pass to their Judge Ordinary and pursue Justices, and if he refuse, that he be put from his Office, by the King and his Council for a certain time, and if he Failzy and do Wrong, and be an Officer of Fee, that he be put from his Office for Three Years, and if he be not of Fee, that he be put from it for ever, and both the One and the Other, shall pay the Expences of the Party, and be in the Kings Will; and the Party plainzeand wrongously, shall pay the Judges Expences, and be in Will: And Judges Ordinary hall be holden to Answer for rheir Deputes, and it shall be Leasome for the King, to take Decision of any matter that comes before him at his Empleasance, as it was wont to be of before *Jam. 3, Par. 5, Cap. 27.*

That in case the Ordinary fail in his Office, both he and the Party be Summoned before the King and his Council, for Justice and Reformation. *Jam. 3, Par. 8, cap. 63.*

That all Civil Actions; be first pursued before the Ordinaries, and what Actions are proper for the Lords of Session. *Jam. 3, Par. 14, Cap. 105.* See it in *Action*: But the Act is only appointed to endure untill the next Parliament.

That Sheriffs and other Officers, give the Process whether it be of Debt, or Brieves to the Party, on his Expences, for each Act Four pennies allenarly. *Jam. 4, Par. 6, Cap. 67.*

That all Sheriffs and other Temporal Judges, set their Court in all Personal Actions, upon Fifteen Days peremptory, and at the Day proceed summarly, & *de pleno*. *Jam. 5, Par. 6, Cap. 72.*

That all Sheriffs and other Judges, make their Deputes able Men, for whom they will Answer; And that they cause them be Sworn, and that Yearly, if continued, at the Head Court after *Michaelmas*. *Ibid. Cap. 73.*

That all Judges whatsoever, do True and Equal Justice, without any Partial Counsel, Rewards, or Buds, under the pain of Infamy; And if any murmure them falsly, he shall be punished in semblable manner, providing that Spiritual Men be called before rheir Ordinaries. *Jam. 5, Par. 7, cap. 104.*

That the Depute may be Judge, whose the the Principal, Sheriff, Stewart, or Bailly, is the Pursuer. *Jam. 5, Par. 7, cap. 104.*

Par. 6, cap. 84. The Act is, *Against the Destroyers of Planting &c.*

Who Striks or Hurts any Person, before any Inferiour Judge, sitting in Judgement, payes an Hundreded pounds to the Judge Offended: But who Striks or Hurts any Judge sitting in Judgement, incurs the pain of Death. *Jam. 6, Par. 13, Cap. 173.*

That all Interlocutors to be Pronounced by the Lords of Session, or any other Judge, after the first of November 1686, be Signed by the President of the Court, and all Extracts not thus Warranted, are declared Null. *Jam. 7, Par. 1, Sess. 2, cap. 3.*

Judicial Proceedings, and Judicatures.

The Judicial Proceedings under the *English Usurpers* Ratified, albeit the Authority was Unlawful in manner set down in the Act. *Che. 2, Par. 1, Sess. 1, Cap. 12.*

Act concerning the Regulation of the Judicatories; *Che. 2, Par. 2, Sess. 3, Cap. 16.*

Commission for Regulation of Judicatures. *Jam. 7, Par. 1, Sess. 2, cap. 23.*

Commission for Regulation of Judicatories proceeding on the Commission, given in the Year 1669.

This Commission is granted; and it is full and in part, Execute as appears by the Articles of Regulation therein concluded, and Authorized by his Majesty, and published, and it is to endure during his Majesties pleasure, and till Recalled. *W. and M. Par. 1, Sess. 4, Cap. 34.*

Jurisdctions.

All Judgements and Jurisdctions, either Spiritual or Temporal, not Approven by the King and Parliament are Discharged; Certifieing the Exercers and Obeyers thereof, that they shall be punished as Usurpers and Contemners of the Kings Authority. *Jam. 6, Par. 8, Cap. 231.*

Justice.

Attorneyes in the Justice-Air, should be Honest Sufficient Persons. *Jam. 1, Par. 3, Cap. 53.*

That the Justice Pass through the Country Twice in the Year after the old Law. *Jam. 2, Par. 3, cap. 5, Par. 6, cap. 12, Par. 14, Cap. 70.* Once on the Grass and once on Corn. *Jam. 3, Par. 13, Cap. 94.*

That Justices, Crowners, and Others making Courts through

through the Land, Ride in Competent and Easy Numbers. *Jem. 2, Par. 6, Cap. 10.*

That the Justice Clerk reveal no mans Action, nor translate any Action otherways then was given him, but for the better to the King, nor change names one for another, nor put any out of the Rolls without command of King and Council, under pain of tinsel of his office, and his honour and Goods to be at the Kings will, *Ibid. cap. 27.*

Justice Airs need not be continued, but continue of themselves until dissolved by the Justice, *Jem. 3. Par. 5. Cap. 39.*

All persons Arrested to the Justice Air, that may be apprehended in the Town the time of the Air, shall be taken and delivered to Justices for to be justified, *Ja. 3. Par. 7. Cap. 59.*

That the Justice in his Air in the head Burgh of the Shire, may give an Assise to all Inhabitants of other Burrows of their own neighbours, And failzieing of them, of these of the said head Burgh. *Ja. 4. Par. 1. cap. 1.*

That Justice Heirs be held twice in the year as above, and that all rise, and come to fortify the Justice, as they shall be by him charged, under the pain to be punished as art and part with the Trespassors, *Ja. 4. Par. 3. Cap. 29.*

That the Justice Clerk take torch all statutes having pain of Dittay in the end, and take up Dittay thereupon, *Ja. 4. Par. 4. Cap. 45.*

That Justice Heirs be kept for *Dewart, Glensmore, Mar-more, Lecheber, Agyle, and Bute*, as in the Act, *Ja. 4. Par. 6. Cap. 60.*

That the Process of Justice Airs or Courts be peremtor at the second Air or Court, so that Fugitives not then compearand, shall be denounced and their goods Escheat, *Jem. 5, Par. 4. Cap. 33.*

The Justice General may set particular Justice Courts upon any manner of Crimes, as Recent Slaughter, Murder, Fire, Ravishing &c, And for depredations, Reiffa, and Spulzies, that particular dyets be set at the discretion of the Lords of Session, the matter being first civilly decided, *Ibid. Cap. 34.*

That no Precept for continuation of any Justice Court be admitted by the Justice or his Deputes, *Jem. 6, Par. 11, Cap. 79.*

That Justice Airs be holden twice every year, over all the Shires in *April and October*, And that the Justice General, or His Majesty under the Quarter Seal, make Eight Deputes of the Lords of Session, or Experienced Advocates

cases, two for each Quarter of the Realm, with a Depute from the Treasurer, and another from the Justice-Clerk. And that Stewartries and Bailliaries come to the head Burrows of their Shires; That these Justices be received at their entry in the Shire, by the Sheriff Principal, or his sufficient Depute, and all the Free-holders warned by Proclamation for that effect, who shall convoy, attend, and accompany them till they be received by the next Sheriff, That the said Justices upon the morn after coming to the head Burgh, tence the Air, call the suits, and try offenders Prisoners by an Assise, thereafter, Call Pledges and Cautioners. And thirdly, the persons newly indured and Arrested, that they direct Precepts for Summoning Assisers, each person under the pain of Fourty pounds. And that the Air being ended, they give a subscribed Extract thereof to the Treasurers Depute, for uptaking and Comping for the Sums therein contained, in the first end whereof the Charges of the Justices and Clerks are to be allowed, as they shall be modified by the Exchequer, that to prepare for these Justice Courts, the King with the advice of the Chancellor, Treasurer, and Justice-Clerk, give Commission to Honourable Landed men in each Shire, in number set down in the Act, with four of the Council of each Burgh within it self, who shall be the Kings Justices, and have power to take up Dittay by themselves, or a sworn Inquest, or sworn Men, of greater Crimes, and either to apprehend the persons dilated, or deliver them in portuous to the Crowner every Moneth, that he may secure them to next Air, and for lesser Crimes to do Justice themselves, and for that end to meet four times in the Year, first of May, first of August, first of November, and first of February. As also to direct their Precepts to the Crowners, and to Sheriffs or Officers of Arms for Summoning Assises, each person under pain of Ten pounds, and that they send their Extracts to the Treasurer, and have their Expences allowed as above: And these Justices of both sorts to endure for a Year, ad farther during the Kings Will, *Jam. 6. par. 11, Cap. 81.*

Their or Reiff by broken Borderers, or Highlanders, may be pursued, either before the Lords of Session, or the Justices, *Ibid. cap. 93.* See it in Robbery and Reiff, The Act is, Caution should be found by Land-Lords and others &c.

That the Justice Clerk or his Deputes within six days of the return of Criminal Letters, deliver the Names of the persons denounced, with a note of the Causes to the Treasurer or his Clerk, as also the Act of Adjournal, with
the

the Precept thereon to denounce persons finding Sovery, and not compearing, Fugitive within the like space after they be decerned, that the Elcheats may be taken up, *Jam. 6. Par. 12, Cap. 126.*

Who stricks or hurts any person before the Lord Justice, or his Deputes sitting in Judgement, incurs the pain of Death, *Jam. 6. Par. 13, Cap. 173.*

Act concerning the Regulation of the Justice Court, suppressing the Justice Deputes, and adding Five Lords of Session to the Justice General, and Justice Clerk; And appointing four of the whole number to be a *Quorum*, Except in Circuits, with Rules anent the proceeding of the Court. *Cha. 2. Par. 2. Sess. 3, Cap. 18.* But in time of Vacancy of the Session Three of the saids Commissioners are declared a *Quorum*, and appointed to meet at *Edinburgh*, in July yearly. *Cha. 2. Par. 3. cap. 22.*

That Citations to Circuit Courts, even for Treason may be made by Messengers, or Sheriff-Officers instead of Heraulds, providing that in the case of Treason the Execution be still verified by Oath, *Jam. 7. Par. 1. cap. 29.*

That the Commissioners of Justiciary, and all other Criminal Judges, advise and Vote with open Doors, in presence of the Pannel and Assise, and all others, but that none presume to speak unless desired, or make any disturbance, under the pain of Imprisonment, allowing always in cases of Rapt, Adultery, and the like, the Commissioners to remove all as formerly, Except parties and Procurators the time of Leading the probation. *W. & M. Par. 1, Sess. 4, Cap. 28.*

The Custom of writing the Debate on the Relevancy in Criminal Pursuits before the Lords of Justiciary abrogat, And statnte, that the said debate be made *viva voce*, and that thereafter His Majesties Advocat, &c. for the Pursuer give in to the Clerk his Information in Writing, Signed within 48 Hours to be seen and Answered, in like manner, by the Defender in other 48 Hours, and both to be Recorded by the Clerk, instead of the former writing, and then Read at the advising, And if any thing new be pointed out by either Judge or party to be Answered, then the parties to be heard thereon *viva voce*, and the debate Minuted at sight of the Judges. *Item*, A full Ratification of the Priviledges of the Court of Justiciary and all its Members. *W. and M. par. 1. Sess. 5, cap. 4.*

Justices of Peace.

That His Majesty appoint yearly in every Shire sufficient Gentlemen living within the same, to be Justices and Commissioners

millioners for keeping the Peace, who should prevent and suppress disorders as in the Act: As also they are ordained to give true Advertisement to the Lords of Council, Justice General and others whom it concerns of the names of the best Witnesses and Assessors to be Summoned in all Crimes that shall happen to fall out in the Shires, that such as are unable to Travell or ignorant, may not be vexed, *Jam. 6, Par. 20. cap. 7.*

Ratification of the Articles and Instructions given by His Majesty to the Justice of Peace and their Constables, *Jas. 6. Par. 22. cap. 8. Anno 1617.* (See them as renewed *Anno 1661* in the Act then made)

The Act 1617, again Ratified and confirmed, with power to the Lords of Privy Council, to improve Penalties on Justices, that keep not their Meetings: As also to amplify, and enlarge the power of the Justices, as they shall see cause, *Cha. 1, Par. 1, cap. 25.*

Commissions and Instructions to the Justices of Peace, and their Constables: The Justices of Peace are to be nominated by His Majesty and Successors, And at their first meeting are to Swear the Oath of Allegiance, and *de fidelitate &c. Cha. 2, Par. 1, Sess. 1. cap. 38.*

They should meet Four times in the year, the first *Tuesday of March*, *May*, and *August*, and last *Tuesday of October*, where they should administer Justice, set down Fees for Servants, and prices for Crafts, choose Constables, dispose of Fines and continue or adjourn their Sessions, *Ibid.*

Any one Justice upon Complaint of a party, Swearing that he hath just cause to dread another, may bind the other under a Sum to the Peace, and commit him till he find surety, or without complaint he may bind both, unless they purge themselves by Oath of mutual grudge, and these Bonds to be kept by the Clerk of the Peace, *Ibid.*

A Justice of Peace may call and compell any Man to come before him, if his Rent exceed not Ten Chalders of Vissual; And if such a person refuse the Justice, may inform some of His Majesties Privy Council, that he may be Fined, *Ibid.*

If the Sheriff or Baillie hath sentenced an Offender, the Justices have no more power, But if no satisfaction be ordered, to the party, they may modify, or if the pain or satisfaction be not condign, they may represent it to the Council, *Ibid.* And so if any party be thorow collusion acquired by an Assise, the party once cleared is not to be farther questioned, but upon their Information, the Judges are to be called Censured, and punished by the Council, *Ibid.*

The

The Justices have power to proceed on all persons committing Riots, and breaking the Kings Peace, under the degree of a Nobleman, Prelate, Counsellor, or Senator of the Colledge of Justice, and to punish and Fine: And they may refer to Oath, or hold the party as confessed, if personally apprehended in the first citation or on the second citation at his Dwelling-house: And for these of a higher degree, that they may charge them to find Caution for the Peace, and for their compearance before the Council. *Ibid.*

They should Execute the Acts of Parliament against Beggars, Vagabounds, Idle-persons, and Egyptians, and their Refrainers, *Ibid.*

They should give order for mending of High-Wayes to, or from Mercat Towns, or Sea-Ports, and punish such as wrong them: And the Breadth of Wayes to Mercat Towns is declared to be Twenty Foot at least, and where larger, they are not to be strained: And they should maintain the wayes to Paroch Kirks, and where they find need of a new way, Inform the Council.

They should Execute the Laws against Cutters and Destroyers of Planting, Green-Wood, Orchards, Gardens, Hainings, Breakers of Dowcars and Cunningars, Steallers of Bees or Hives, Users of setting Dogs, Slayers of Red and Black Fish Smolks in torbidden time, and Fowlers in other Mens Lands, Makers of Muir and Mossburn, Setters of Cruves and Zairs in torbidden time, And that Commissions be granted to them to try and Fine the said Offenders, with warrant to proceed by Witnesse, or Oath of Party: But they may not meddle with such as are not in their Instructions or are convened before any other Judge. And farther this is declared to be without prejudice of all other Mens Commissions or Rights, *Ibid.*

They should inform the Council, Thesaurer or Advocate, at least once a Year, of Fore-Scallers and Ragrators, *Ibid.*

If the Baron and Master punish not the Hostaler for resort of Rebels, Vagabounds, Masterless, or Suspect Persons within Fifteen Dayes, the Justices may Fine them in Fourty Shillings for the first, Four pounds for the second, and Ten Markis, and loss of Liberty for the third Fault, without prejudice to the greater pain, wherein they may be lyable, *Ibid.*

That they inform as said of the Breakers of the Acts against Malt-makers. *Ibid.*

They shall set down orders in the time of Plague, and punish disobeyers, *Ibid.*

They

They may compell Servants to serve for their Fees, and also Musters to pay them, *Ibid.*

They should take notice that Prison-houses be kept up, and inform the Council where they are wanting, *Ibid.*

They may Rate Paroches for Weekly Rate, not exceeding Five, nor under one Shillings, for the Entertainment of poor Prisoners, and see it Applied. *Ibid.*

All Magistrates and Keepers of Prisons shall receive their Prisoners, the Justices seeing to their Entertainment. *Ibid.*

The Justices should set prices for Penny-Bridles, Shearers Fees, and Crafts-mens Work, *Ibid.*

They should cause single and double Ale be Brewed, and appoint Vintners, with consent of the Baron and Master, and punish Drunkards. *Ibid.*

Three Justices of Peace are declared a full number to decide in matters betwixt Sessions, *Ibid.*

Justices of Peace are not chargeable on Letters of Caption, *Ibid.*

They should take care that *Linlithgow* Measure be universally used, and that there be a conformity in Measures and Weights betwixt Head Burghs and Countrey about, and for that end they may require a Note of the Magistrates and Dean of Gild, of their Weights and Measures, and inform the Council of any wrong, And a Commission granted to certain persons for that effect.

When required, they shall order their Constables to apprehend Contemners of Church-Censures, *Ibid.*

They should keep the Quarter Sessions, *Ibid.*

They should appoint a Collector, who should find Caution, *Ibid.*

Justices under the degree of a Lord of the Session may have Fourty shillings *per diem* for their attendance (not exceeding three at one time) from their Collector, and such Justices as have the benefite of this allowance, and shall be absent from the Sessions, or when required from other Meetings not excused, shall be lyable to Fourty pounds, *Ibid.*

The Lords of Session are to direct General Letters at the Collectors instance for all Fines on Fifteen dayes, and no Suspension But upon Confignation of the Fine, and Caution for payment of Charges, *Ibid.*

The Justices should send in to the Council after every Quarters Session, a List of the persons committed or put under soverty by them with the Cause, *Ibid.*

They shall Execut the Acts against Cursers and Swearers, or Mockers of Piety, by exacting the pains statute against

Swearing in this Parliament (*See Swearing*) And that Wives be lyable in their Husbands Fines, and their Husbands pay for them, *Ibid.*

As also they shall Execute the Laws against Fornication and exact the pains thereof (*See them in Fornication*) the one half to be applyed to Pious Uses, in the Paroch where the Offence was committed, and the other half to be divided berwixt the Informer and Prosecutor and Constable, and other uses, at sight of the Justices, *Ibid.*

That they Execute the Acts against Drunkennesse, and Haunters of Taverns and Ale-houses, and exact the pains statute in this Parliament (*See Drunkennesse*)

As also against the Keepers of such Houses as sell them Drink, and apply the same as above, *Ibid.*

That they Execute the Acts against Prophaners of the Lords-Day, and apply the pains as above, *Ibid.*

In hainous Crimes they shall apprehend the persons and Commit, or Baill them, as the Cause allows, take the Accusers Information upon Oath, and bind him to prosecute, take the Deposition of the Witnesses, and bind them to give evidence, And also take the Examination of the accused, all which the Justice, or Justices shall certify to the Quarter Sessions, or Criminal Court Respective, *Ibid.*

If any Nobleman, Baron, or Baillie, acclaim Right to proceed against a Capital Offender apprehended by a Constable, the Justice shall take Soverry of him to Minister Justice duly, and shall Report the same. *Ibid.*

That the Justice twice in the Year, the first of December, and the first of June, take up a List of the Poor in every Paroch, and appoint Two or more Overseers to accept, and Discharge Faithfully, under the pain of 20 lb. *Ibid.*

The Justices are impowered to call to an account those who exerceed that Office, under the late Usurpation for all Fines imposed by them, and to exact from them what hath not warrantably been disposed of, *Ibid.*

The Acts 1617, 1633, and 1661, anent Justices of Peace, Ratified and Confirmed, And their Power applyed against Church Irregularities and Non-conformity, with Power to them to choise their own Clerk. *Item*, The Privy Council, is Impowered to Supply Vacancies by Death, and to Impose Penalties on the Justices, not keeping their meetings, and to enlarge the Power of the Justices as shall be found Expedient, but prejudice always to Sheriffs, Stewarts, and Baillies of Bailliaries, Regalities, and Baronies of their Jurisdictions. *Jam. 7, Par. 1, cap. 16.*

Cap. 16. But this Act Rescinded, W. and M. Par. 1, Sess. 2, Cap. 27, and 28.

The Power given to Justices of Peace, to Name their own Clerks Rescinded, as being the Secretaries Right. Jam, 7, Par. 1, Sess. 2, Cap. 20.

Constables.

That the Justices in their Quarter Sessions, appoint Two or more Constables in every Paroch, or Great Town, from Six Months to Six Months, but in Burghs Royal, and Free Cities, the Constables are to be chosen by the Magistrates, and the Constable refusing to Accept, or Swear, may be by the Justices Imprisoned, and Fined, the Constables Oath is in the Act *Ibid.*

All the Constables at least one from each Paroch, in Name of the rest, should attend the Quarter Sessions, Inform concerning Breaches of the Peace, and the Evidences thereof, and receive the Justices Directions *Ibid.*

The Constables may Apprehend Night-Walkers, suspect Persons, Vagabounds, Sturdy Beggars, Egyptians, and Idle Persons, and carry them to the next Justice of Peace *Ibid.*

The Constables shall Apprehend Persons for Slaughter, Murder, Theft, or any other Crime, and carry them to the next Justice, and require Neighbours to Assist, who refusing shall be punished by the Justices *Ibid.*

They shall Arrest all wearers of Guns, not being in his Majesties Service, or duly Licenced and carry them to the next Justice *Ibid.*

They should Redd Frayes, and call thereto, the Assistance of the Neighbours, and if they get Skaith, the Justices are to punish the Doers of it *Ibid.*

A Constable may follow a Person, that hath made a Fray, to the House he flies to, and require open Doors to be made, and upon refusal, take Witnesses *Ibid.*

In a Fresh Pursuit, he may follow without his Bounds and require Neighbours to Assist.

The Constables should Execute the Justice of Peace their Orders *Ibid.*

Upon Complaint, the Constables may Apprehend a Threatner, and carry him with the other, to a Justice of Peace, and if he refuse, may Imprison him *Ibid.*

That the Constables and Clerks of the Peace, be payed for their Labours out of the Fines, or otherways if they fall short, at the sight of the Lords of Exchequer *Ibid.*

Lastly, The whole Premises are declared to be without prejudice of any Mans Right or Priviledge of Jurisdiction whatsoever, And therefore the Justices may not Cite any Party, until the expiring of Fifteen Days after the Fact; And then if others neglect, they may Cite and Proceed. *Cha. 2, Par. 1, Sess. 1, Cap. 38.*

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King, and Kingdom, see Annexation, Dissolution, and Revocation.

That the King cause make Trial by Inquest, what Lands belonged to his Predecessors, and he may Summon his Tennents to shew their Charters and Evidents. *Jam. 1, Par. 1, Cap. 9.*

The King hath Right to all Mines of Gold, and Silver, if Three half Pennies of Silver, may be Fined out of the Pound of Lead. *Ibid. cap. 12.*

The King may gar strike new Money when him likes. *Ibid. Cap. 23. See Money.*

The Kings Governour during his Government, might not Annailzy from the Crown, Lands fallen to it, shrow the Decease of Bastards. *Jam. 1, par. 10, Cap. 133.*

The Breakers of the Kings Protection, should be punished. *Jam. 1, Par. 11, cap. 134. See it in Protection.*

King *James* the Second, brought by all the Earls, Lords, Barons, and Free-Holders from the Castle of *Edinburgh*, to the Abbey of Holy-Rood-House, to be there Crowned, upon the 20 of March Anno 1437. *Jam. 2, Par. 1, cap. 1.*

The Kings perfect Age is, at Twenty one Years Compleat. *Ibid. Cap. 2, The Act is, Revocation of Lands &c. And Jam. 4, Par. 2, Cap. 10. The Act is. of the Kings Revocation &c.*

That the King Ride throw the Realm for the punishing of Crimes, and the Barons are obliged to Assist with their Power, in Bodies, and Gudes, as oft as shall be seen speedful by the Council. *Jam. 2, par. 3, Cap. 6. The Act is Of Remead and Punition of diverse Crimes.*

That it shall be Leasom for the King, to take Decision of any matter that comes before him, at his Empleasance,

as it was wont to be of before. *Jam. 3, Par. 5, Cap. 27.* The Act is, *The Judge Ordinary being Partial &c.* See it in *Judges.*

That the King present to Benefices belonging to Bishops, the Bishop Seige vaiking. *Jam. 3, Par. 11, Cap. 85.*

And that no Man Purchase from Rome Commissions in the contrary, *Ibid. Cap. 86,* under the pain of Proscription and Treason. *Jam. 4, Par. 1, Cap. 4.*

That no Man break the Kings safe Conduct, under the pain of Death. *Jam. 3, Par. 12, Cap. 88.*

They that withhold the Kings Rents, may be distren-
gized upon, and their Persons brought to the King. *Jam. 3, Par. 13, Cap. 91.* See the several Acts for better payment of the Kings Rents, in *Chamberlain, Comptroller, and Exchequer.*

Promise and Oath of the Three Estates, not to Counten-
nance manifest Traitors, and other notorious Malefactori,
but that they shall Assist the King in doing Justice against
them. *Jam. 3, Par. 14, Cap. 98.* See it in *Treason.*

A Council chosen to the King Minor for the time by the
Parliament, and made accountable to them, and the King
humbles himself to promise to abide at their Councils;
untill the next Parliament, and untill then, that all Gifts
be Granted by the King with their Consent. *Jam. 4, Par. 2, Cap. 11.*

That no Man Compel the Kings proper Tenements, to do
Service by Coaction, or Dread, under the pain of Oppres-
sion. *Ibid. Cap. 21.*

The Priviledges and Liberties of the Kings Forrest and
Parks, See it in *Forrest.*

That no Man do Contrary the Kings Priviledge Granted
him by the Seige of Rome, *Jam. 5, Par. 7, Cap. 119.* See
Benefice and Clergy-man.

That the Nomination to Prelacies, vaiking, pertains to
the King, and the Provision to the Pope. *Jam. 5, Par. 7, Cap. 125.* See *Prelacies,* The Act is, *He that takes
places of Bishops and Abbots after their Decease, commits
Treason.*

Act ordaining all Signatures, and Gifts Granted by King
James 5th before his Decease, to be exp'd throw the
Seals, and perfected notwithstanding his Decease; and the
Change of Seals, providing they be presented betwixt and
a certain Day. *R. M. par. 1, cap. 1.*

Declaration of the Queens power, Age to be at Twenty
one Years completion. *R. M. par. 10, cap. 87.*

The same Declaration made for King James the 6th and his Successors. *Jam, 6, par, 11, cap, 22.*

As also after the running of the *anni astiles* King James his perfect Age of Twenty five Years compleat, is also mentioned. *Jam, 6, par, 12, cap, 159, The Act is, Annexation of the Lands and Annuals mortified to the Ministers and Hospital of Edinburgh.*

That all Kings and Princes, or Magistrats whatsoever holding their place, that shall happen to Reign, or bear Rule over this Realm, at the time of their Coronation, and Receipt of their Princely Authority, Swear to Serve God, according to his Word, and according to the same Word, to Maintain the True Religion, the Preaching of the Word, and Right Ministration of the Sacraments now Received, and to Abolish and Gainstand all False Religions contrary thereto, to Rule the People according to Gods Word, and the Laws of the Land, and to procure Peace to all Christian People, to preserve, and keep the Right, and Reuts of the Crown, to Forbid, and Reprets all Oppression, and Wrong, and to procure Justice, and Equity to all Creatures, and that they shall Root out of their Lands, all Hereticks and Enemies to the True Kirk of God. *Jam, 6, par, 1, cap, 8, Anno 1567.*

Ratification of all things done in King James the sixth his Name, and for Maintaining of his Authority by his Regents, and others, since his Coronation, and Annulling all things Acted by any other Authority since that time *Jam, 6, par, 3, cap, 50.*

Act ratiying the Royal Power and Authority over all Estates, as well Spiritual as Temporal in the Person of the King, his Heirs and Successors; And that they and their Councils, are Judges competent to all Persons their Subjects, and in all Matters wherein they shall be Summoned, or Charged to Answer such things as shall be Inquired of them, and that none decline the King or his Council in the Premises, under the pain of Treason, *Jam, 6, Par. 2, cap. 129.*

No Council, Convention, or Assemblie, to Treat or Determine in Matter of State, Civil or Ecclesiastick, (except the ordinary Judicatures) can be held without his Majesties special Command, and License, under the pain of unlawful Convocation, *Ibid. cap, 131, (See Convention.)*

This Act Revived and Ratified, and to Explain it so as not to Extend to Councils, and Conventions kept for preservation of the King, Religion, and Laws, or for the Good of the Kirk, or Kingdom, is declared to be false, and Disloyal, *Car, 2, par, 1, Sess, 1, cap, 4. The Act is, Act of*
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Asserting his Majesties Royal Authority in making of Leagues, and the Conventions of the Subjects.

Act for Establishing a Horse Guard to the King of Fourty Persons, with Two Hundred Pounds yearly the Man; And that for that End, the King have the first Years Fruits of all Benefices, (Laick Patronages excepted) with all the Fruits during the Vacancy; As also, the fifth part of the Rents of all the Benefices Yearly, beside the Thirds, that his Highness hath Right to, and may Intromet with all Monks and Nuns Portions deceased, or who shall Decease, that the Presentation, Gift, and Disposition of all Prelacies, pertains to the King by Right of his Crown, *Jam, 6, par, 8, cap, 137.*

No Leagues or Bands, may be made amongst the Leidges, without the Kings Privy, and Consent, under the pain of Sedition, *Jam, 6, par, 10, cap, 12. See Leagues, Revived and Ratified with the same Rejection of the false Gloss put upon the Act, Jam, 6, par, 8, cap, 131, above. Car, 2, par, 1, Sess, 1, cap, 4.*

That the Kings Property sustain his House, and that he who Intromets therewith ought to Furnish the Expence of the House in ready Money, *Jam, 6, par, 11, cap, 67. The Act is, The Comptroller should answer for all Chamberlains.*

The Kings Casualties should not be given away in Great, *Ibid. cap, 70, See it in Casualty.*

To Strick, Hurt, or Slay, any Person within the Kings Inner-chamber, Cabinet, or Chamber of Prefence; the King being for the time within the Palace, or within the Kings Council-House, the Council sitting, or in the Kings Prefence, wh-rever he be, is Treason, and it it be done within the Inner-Gate of the Kings Palace where His Highness resides for the time, it is Death, *Jam, 6, par, 13, cap, 177.*

The Kings of this Realm being Free Princes of a Sovereign Power, having als great prerogative as any other King, or Potentat; Therefore they ought to have the like Customs of all Goods Imported, and thereupon the Act imposing the saids Customs proceeds, *Jam, 6, Par, 15, Cap, 251, (See the Act in Customs.)*

The Negligence of the Kings Officers in Pursuing or Defending his Causes, prejudges not His Majestie, but may be Supplied by their Successors in their Offices without necessity of Reduction, *Jam, 6, Par, 16, cap, 14.*

That no Man Invade, or Pursue another within a Mile of the Place of His Majesties Residence for the time, or resort within his Palace, or Place of Residence, Armed with Jack

Jack or Corflet, under the pain of Warding for Year and Day, and Fineing at his Majesties pleasure, *Ibid. cap. 26.*

An Act acknowledging his Majesties Sovereign Authority, and Royal Prerogative over all Estates, Persons, and Causes, Rescinding all Things done, or to be done in the Contrary, with a Faithful Promise perpetually to acknowledge, obey, and Maintain, the Life, Honour, Authority, and Royal Prerogative of his Majestie, his Heirs and Successors with Lives, Lands, and Goods, and to withstand all who shall intend to Impugn, Hurt, or Impair the same, and never to come in the contrary, *Jam. 6, Par. 18, cap. 1.*

The same Act Ratified, and the Prerogative asserted in *E. Charles the first, Car. 1, Par. 1; cap. 3.*

The haill Estates acknowledge the King to be Sovereign Monarch, Absolute Prince, Judge, and Governour over all Persons, Estates and Causes Spiritual, and Temporal within the Realm, *Jam. 6, Par. 18, cap. 1.*

The Temporal Jurisdiction of the Kirk, flows from the King only, as all other Jurisdictions doth, *Jam. 6, Par. 20, cap. 6.*

The Parliament refer to the Kings appointment to prescribe the Habits of Magistrates, and Commissioners of Burrows, Lords of Session, inferior Judges, and Lawyers, and of all Kirk Men, and in what manner, and at what times to be used, *Jam. 6, Par. 20, cap. 8.* (See the *Act in Apparel*) and the same Power as to the Apparel of Kirk Men, is Declared to remain with King Charles the first and his Successors, *Car. 1, Par. 1, cap. 3.*

The Indiction of General Assemblies of the Kirk, belongs to the King, by vertue of his Prerogative, *Jam. 6, Par. 22, cap. 1.* Rescinded, *W. and M. Par. 1, Sess. 2, cap. 5.*

The naming of the Commissioners for Teinds, and for the survey of Laws, referred to the King by the Parliament; And therefore they give Warrant to the Clerk, to Insert his Majesties Nominations in the Commissions then given in Parliament, *Car. 1, Par. 1, cap. 20.*

The King in absence of the Lord Chancellor, nominates who shall Preside in Parliament, and other publick Judicatories in this place, *Car. 2, Par. 1, Sess. 1, cap. 1.*

The King by Prerogative of his Crown, hath the sole Appointment of Officers of State, and Privy Counsellors, and the nomination of the Lords of Session, as preceeding the Year 1637; *Car. 2, Par. 1, Sess. 1, cap. 2.*

As also the Power of Calling, Holding, Proroguing and Dissolving Parliaments; and Conventions of Estates, doth solely reside in the King, his Heirs and Successors; and no Parliament can be kept without the special Warrant and

and Presence of the King or his Commissioner, nor any Act or Statute thereof, binding without his special Authority, and Approbation interponed thereto, at the making thereof, and that none offer to Impugne, or do in the contrary thereof, under the pain of Treason, *Ibid. cap. 3.*

For asserting the Prerogative of the Crown (which his Majesty holds from GOD Almighty alone) It's declared that the Power of Arms, and making of Peace, and War, or Treaties and Leagues with Foreign Princes and States, doth properly reside in his Majesty his Heirs and Successors, and that they have the only Right of Raising the Subjects in Arms, and to Command, Order, Disband, or otherways Dispose of them; And of all Strengths, Forts, or Garrisons within the Kingdom, as they think fit, the Subjects being always free of the Provision, and Maintenance of these Ports, and Armies, unless it be concluded in Parliament or Convention; and all Deeds in the contrary of this Act, are declared to be Treasonable, *Ibid. cap. 5.* And all Acts and Practices contrary to these three last Acts, are thereby Relinquished.

That his Majesty hold his Crown Immediately from GOD Almighty alone, is again Asserted, *Car. 2, Par. 1, Sess. 1, cap. 13.* The Act is, *Act Rescinding and Annul-ling the Pretended Parliament in the year 1641, &c.* and *Par. 3, cap. 2.* The Act is, *Act acknowledging and asserting the Rights of Succession, &c.*

Act condemning the Giving up of King Charles the first, his Person to the English at New-Castle in the Year 1647, and Disclaiming it as no Act of this Kingdom, but only of a Faction for the time, and declaring, that if any shall be found Guilty of Transfusions, and Bargains of Money, for carrying on the same, they shall be Pursued without Mercy as the vilest of Traitors, and be Incapable of any Act of Pardon or Oblivion for ever, *Car. 2, Par. 1, Sess. 1, cap. 10.*

Offers of Lives and Fortunes, to his Majesty against all Deadly, in every Cause wherein his Majesties Person, Authority, or Government may be Concerned. As also, in respect of the late Troubles; And that his Majesty hath Signified his Resolution to Raise no more Oath: An Offer and Grant is made of an yearly Annuity of Forty Thousand Pounds sterling, to his Majesty during all the Days of his Life, *Car. 2, Par. 1, Sess. 1, cap. 13. See Annuity.*

Act declaring that what shall be determined by His Majesty, with advice of the Bishops and such of the Clergy, as he shall name, in the External Government and Policy of the Church, consistent with the Law of the Land, shall be valid and effectual: As also, all Church Power, Jurisdiction

Jurisdiction or Government, is declared to depend upon, and be subordinate to the Kings Sovereign Power as Supreme, And that it is to be Regulated, and Authorised by the Bishops, under His Majesty, to whom they are to be accomptable, and all Acts in the contrary hereof, specially the Act *Jam. 6, Par. 12. Cap. 116.* are rescinded, *Cha. 2, Par. 1, Sess. 2, Cap. 2. See the Act in Bishops.*

These positions, That Subjects upon pretence of Reformation, or upon any other, may enter into Leagues, and Covenants, or take up Arms against the King, or that pretending His Authority they may take up Armes against His Person, or these Commissioned by him, or Suspend him from the Exercise of his Government, and put Limitations on their due obedience, and Allegiance are declared to be Treasonable, and Rebellion, *Cha. 2, Par. 1, Sess. 2, cap. 2, The Act 11, Act for preservation of His Majesties person, &c, See Treason.*

Act for inbringing the Kings Rents, Ratifying the Act, *Jam. 6, Par. 11, cap. 63 (in Exchequer) cap. 65 (in Chamberlain) cap. 80 (in Sheriffs) Par. 14, cap. 230, (in Chamberlain) and Par. 15, cap. 262 (in Highlands and Isles)* In so far as the same may be extended to the payment of His Majesties Rents. And ordaining Chamberlains, Fewers, Sheriffs, Stewarts, Baillies of Regalities, and others lyable therein, to find Caution conform thereto, And that the Treasurer, and his Depute, charge them to do the same at the Mercat Cross of *Edinburgh*, and in case of Disobedience denounce them there, and Registrate the Horning in the Treasurers Register, which are all declared to be sufficient as to effects of Caption, Escheat, and Liferent, That Sheriffs, Stewarts, and Baillies of Regalities take and apprehend the Kings Fewers denounced for not payment of their Duties, poud their Goods, and do exact Diligence for getting payment within Twenty Dayes, with certification that they and their Cautioners shall be charged to make payment thereof themselves, under the pain of Rebellion. *Cha. 2, Par. 1, Sess. 3, cap. 15.*

And this Act particularly, and all others generally for bringing in the Kings Rents Ratified, And farther, declaring all Sheriffs, Stewarts, Baillies or their Deputes of Chamberlains of the Kings Property, who shall not compare and Compt, and make their *Aequ's* in Exchequer in July Yearly, and being charged, shall therefore be denounced at the Mercat-Cross of *Edinburgh* and Registrate, shall *ipso facto* lose and amik during their Life their Offices, whether Heretable during Life or at pleasure, *As*

Also that all Fewers and other Vassals of the Kings Property, neglecting to make Compr and payment of their Few Blanch, or Taxt Ward-Duties, and to receive their *Aques*, so as two Years run unpaid, and they be therefore Charged, Denounced and Registrare as above, They shall be immediarly lyable for the double of the said hail Duties then due, as if the same were contained in their Reddendo's, but prejudice of all other penalties against the said Non-Accomptants; It is likewise Statute, that all Clerks to the said Sheriffs, Stewarts and Baillies send Lists from time to time to the Thesaury, or Clerks of Exchequer of all Wards and Marriages, simple or Taxt falling to vaick within their bounds, bearing the time of the Vassals decease with the Successors Age, and if Married or not; And that within Six Months after the vacation on the persons Dying within the Country, under the pain of Tinsel of their Offices, And the said Sheriffs, Stewarts, Baillies, and their Deputes are impowered to cause the said Vassals within their Bounds, produce their Chartours at *Michaelmas*, or other Dyets they judge convenient, that their Clerks may make a Record of their Reddendo's, and then to Return them *Gratis*, and that Letters of Horning be hereon directed. *Item*, Poinding for the Kings proper Rents, is sufficient it done on the ground of the Lands. *Ibid*.

Humble Tender to his Majesty of Twenty Thousand Foot, and Two Thousand Horse for his Majesties Service. *Ch. 2, Par. 1, Sess. 3, Cap. 26. See it in Militia.*

It belongs to his Majesty, by Vertue of his Prerogative, to Order and Dispose of Trade with Foreign Nations, and to lay Restraints and Impositions on Foreign Imported Commodities, and all Acts and Statutes in the contrary are Rescinded. *Ibid. Cap. 27.*

But this Act Rescinded, Reserving his Majesties Customs and Impositions, as now Established. *W. and M. Par. 1, Sess. 9, Cap. 7.*

Act Asserting his Majesties Supremacy over all Persons, and in all causes Ecclesiastick, and that by Vertue thereof, the Ordering and Disposall of the External Government and Policy of the Church, doth belong to him and his Successors, as an Inherent Right to the Crown, and that he may Enact and Emit such Constitutions, Acts and Orders, concerning the Administration of the said Government, and Persons employed in the same, and concerning all Church meetings and matters to be proposed and determined therein, as he shall think fit, and all Laws and Customs in the contrary are Rescinded. *Ch. 2, Par. 2, Sess. 1, Cap. 1.*

But

But this Act Rescinded. *W. and M. Par. 1, Sess. 2, Cap. 1.*

The Kings Succession or the Succession to the Crown Affirmed. *Cba. 2, Par. 3, Cap. 2. See it in Succession.*

Act, Declaring that in respect his Majesty is the Fountain of all Jurisdiction, Therefore, notwithstanding of the Offices conferred upon any, yet he may by himself, or any Commissioner by him, take Cognizance and Decision of any Cases or Causes he pleases. *Cba. 2, Par. 3, Cap. 18.*

But this Act Rescinded, *W. and M. Par. 1, Sess. 2, Cap. 18.*

Declaration of the Kings Sovereign and Absolute Power and Authority, with an offer of Lives and Fortunes to his then Majesty, and Resolve to give him intire Obedience without reserve. *Jam. 7, par. 1, Cap. 2. But this Rescinded, W. and M. Par. 1, Sess. 2, Cap. 18.*

Act, For a Geographical Description of the Shires of the Kingdom, with an Hydrographical Description of the Isles, Lochs, and Coasts thereof, to be performed by John Blair, upon the Encouragement, and under the Conditions contained in the Act. *Jam. 7, Par. 1, Sess. 2, Cap. 21.*

The Claim of Right, Declared by the Convention of Estates 1689; That by the Law of this Kingdom, no Papist can be King, or Queen of this Realm, nor bear any Office whatsoever therein, nor can any Protestant Successor, Exercise the Regal Power, until He or She Swear the Coronation Oath.

That all Proclamations asserting an Absolute Power, to easie Annul, and disable Laws, The Erecting Schools and Colledges for Jesuites, the Inverting Protestant Chappels, and Churchies to publick Mass-Houses, and the allowing Mass to be said, are contrary to Law.

That the allowing of Popish Books to be Printed and dispersed is contrary to Law.

That the taking the Children of Noblemen, Gentlemen, and others, sending and keeping them Abroad to be bred Papists, the making Fonds and Donations to Popish Schools and Colledges, the bestowing Pensions on Priests, and the perverting Protestants from their Religion, by offers of places, Preferments, and Pensions, are contrary to Law.

That the disarming of Protestants, and Employing Papists in the places of greatest Trust, both Civil and Military, the thrusting out Protestants to make room for Papists, and

the intrusting Papists with the Forts and Magazines of the Kingdom, are contrary to Law.

That the Imposing Oaths without Authority of Parliament, is contrary to Law.

That the giving Gifts or Granta, for raising of Money, without the consent of Parliament, or Convention of Estates, is contrary to Law.

That the Employing the Officers of the Army as Judges, through the Kingdom, or imposing them where there were Heretofore Officers and Jurisdictions, and the putting the Leidges to Death summarily, without Legal Jury or Record, are contrary to Law.

That the Imposing of extraordinary Fines, the exacting of exorbitant Bail, and the disposing of Fines, and Forfeitures before Sentence are contrary to Law.

That the Imprisoning persons, without expressing the Reason thereof, and delaying to put them to tryal, is contrary to Law.

That the causing pursue and Forfeite persons upon stretches of Old and Obsolete Laws, upon frivolous and weak pretences, upon lame and defective probation, as particularly the late Earl of Argyll are contrary to Law.

That the nominating and imposing the Magistrates, Councils, and Clerks upon Burghs, contrary to their Liberties, and express Charters, is contrary to Law.

That the sending Letters to the Courts of Justice ordaining the Judges to stop or desist from determining causes, or ordaining them how to proceed in Causes depending before them, and the changinge the nature of the Judges Office *etiam* *et* *culpam*, into Commissions *ad* *bonos* *et* *malos* *plures*, are contrary to Law.

That the granting personal protections for Civil Debts, is contrary to Law.

That the forcing the Leidges to Depose against themselves in Capital Crimes, however the punishment be restricted, is contrary to Law.

That the using Force without evidence, or in ordinary Crimes, is contrary to Law.

That the sending of an Army in an Hostile manner, upon any part of the Kingdom, in a peaceable time, and exacting of Locality and any manner of free Quarterns, is contrary to Law.

That the charging of the Leidges with Law-burrows at the Kings instance, and the imposing of Bonds, without the Authority of Parliament, and the suspending Advocates from their Employment, for not comparing, when such Bonds were offered, were contrary to Law.

That the putting of Garisons in private Mens Houses in time of Peace, without their consent, or the Authority of Parliament, is contrary to Law.

That the Opinions of the Lords of Session in the two cases following were contrary to Law. viz. 1. That the concealing the demand of a Supply, for a Forefaulted person, although not given is Treason. 2. That Persons refusing to discover what are their privat thoughts and Judgements in Relation to points of Treason, or other Mens Actions, are guilty of Treason.

That the Fincing Husbands for their Wives withdrawing from the Church, was contrary to Law.

That Paelacy, and the Superiority of any Office in the Church above Presbyters is, and hath been a great and unsupportable Greivance; and Trouble to this Nation, and contrary to the Inclinations of the Generality of the People ever since the Reformation (they have Reformed from Popery by Presbyters) And therefore ought to be abolished.

That it is the Right and Priviledge of the Subjects, to protest for remeid of Law, to the King and Parliament, against Sentences pronounced by the Lords of Session, providing the same do not stop Execution of these Sentences.

That it is the Right of the Subjects, to Petition the King, And that all Imprisonments, and prosecutions for such Petitioning, are contrary to Law.

That for Redress of all Greivances, and for the amending, strengthening, and preserving of the Laws, Parliaments ought to be frequently called, and allowed to sit, and the freedom of Speech, and Debate secured to the Members.

And they do Claim, Demand, and insist upon all and sundry, the Premises, as their undoubted Rights and Liberties, and that no Declarations, Doings, or Proceedings, to the prejudice of the People in any of the said Premises, ought in any wayes to be drawn hereafter, in consequence or Example, but that all Forfeitures, Fines, loss of Offices, Imprisonments, Banishments, Pursuits, Persecutions, Tortours, and Rigorous Executions be considered, And the Parties Lesed be Redressed.

To which demand of their Rights, and Redressing of their Greivances, they are particularly encouraged by His Majesty the King of England, His Declaration for the Kingdom of Scotland, of the Day of October last, as being the only means for obtaining a full Redress and Remedy therein.

Having

Having therefore an entire Confidence, that His said Majesty the King of England, will perfect the Deliverance so far advanced by Him, and will still preserve them from the violation of their Rights, which they have here asserted, and from all other attempts upon their Religion, Laws and Liberties.

The saids Estates of the Kingdom of Scotland, Do Resolve, That *William and Mary*, King and Queen of England, France, and Ireland, be, and be declared King and Queen of Scotland, To hold the Crown and Royal Dignity of the said Kingdom of Scotland, to them the said King and Queen, during their Lives, and the longest Liver of them, and that the sole and full Exercise of the Regal Power be only in, and Exercised by him, the said King, in the Names of the said King and Queen, during their Joynt-Lives and after their Decease, the said Crown and Royal Dignity of the said Kingdom, to be to the Heirs of the Body of the said Queen; Which Failzieing, to the Princess *Ann of Denmark*, and the Heirs of her Body; which also failzieing to the Heirs of the Body of the said *William King of England*.

And they do pray the said King and Queen of England, to accept the same accordingly.

And that the Oath hereafter mentioned be taken by all Protestants of whom the Oath of Alledgance, and any other Oaths and Declarations might be required by Law, instead of them. And that the said Oath of Allegiance, and other Oaths and Declarations may be abrogated, *Conv. Act 13. Apr. 11. Anno 1689.*

Act for security of the Kingdom, That no Commission Civil or Military, or any Court cease or become void by the Death of His Majesty, or any of his Successors, but that they continue for the space of Six Moneths, unless stopt or recalled, by the next Successor, according to the Claim of Right. *Item*, It is Enacted, that this Parliament, or any other in being, in the event foresaid shall continue to sit, or at least meet Twenty Dayes thereafter, and sit for Six Moneths, unless Adjourned or Dissolved sooner by the said Successor; And if there be no Parliament at the time, the Parliament immediately proceeding shall meet as said is, but the said Parliament meeting by this Act, shall only have power to Act for the Defence of the true Established Religion maintaining the said Succession, and securing the Peace, but no wayes to alter the Government, or standing Laws, but nothing in this Act to prejudice or derogate, from the Royal Prerogative. *W. and M. Per. 1. Sess. 6. cap. 17.*

King James.

The Grounds and Reasons for which King James is declared to have forfeited his Right to the Crown, whereby the Throne became Vacant, See the Declaration of the Estates Convention, *Art* 14. 11, *April*. 1669.

King William, and Queen Mary.

The Crown settled upon King William and Queen Mary *Bill*. See in Kingdom.

Their Coronation Oath, *Convention* *Art* 21. the same in substance with that appointed. *Jam*. 6, *Par*. 1, *Cap*. 8.

Act Recognising and acknowledging Their Majesties Royal power and Authority, and declaring it High Treason, to disown or impugn the same by Writing, speaking, or any other way. *W. and M. Par*. 1, *Cap*. 2.

Kipper, see Salmond.

Kirk, see Manfies, and Ministers, and Teinds

That the Holy Kirk, and its Ministers breik their freedom, and none let them to sit their Lands and Teinds, *Jam*. 1. *Par*. 1. *Cap*. 1.

That Holy-Kirk be kept in Freedom, and no Man vex Kirk-men in their Persons and Goods, under all highest Charge. *Jam*. 2, *Par*. 3, *cap*. 4.

That the Liberty and Honour of Holy-Kirk be observed. *Jam*. 3, *Par*. 1, *cap*. 1. and *Par*. 5, *Cap*. 26. *Jam*. 4, *Par*. 2, *cap*. 7. *Jam*. 5, *par*. 1, *cap*. 1. and *par*. 7, *cap*. 127. The *Act* 11, *He that takes places of Bishops &c.* and *Jam*. 6, *Par*. 11, *cap*. 23.

That General Process, and Cursing, be made against the breakers of the Liberty of Holy-Kirk, and that no honour Invasor of the Kirk, nor Cursed Persons, be received in the Kings Palace, Presence, Council or Parliament, nor heard in any Cause, till they make Amends, Assist party and obtain Absolution. *Jam*. 2, *par*. 4, *Cap*. 7. See *Cursing and Excommunication*.

Perrurbers of the Kirk in time of Divine Service or Preaching, Incur the pains following; The Prelat or Lord Ten Pounds, The Baron or Inferiour Ecclesiastick Dignity

Dignity Five Pounds, The Free-holders, Burgeſſes, or other Beneficed Man, Fourty Shillings, and others Twenty Shillings, for the firſt Fault, doubling thereof for the Second, and Warding and Banifhing Year and Day for the Third: And that the Kirk-Maſters gar Leith Bairns that Perturbs the Kirk. *Q. M. Par. 5, cap. 17.*

That a Perſon under Curſing, reſuſing to remove (being charged) the time of Divine Service, be puniſhed as a Perturber. *Ibid. cap. 18.*

That no Horning be Direct againſt Kirk-men for payment of their Tax, providing the Clergy find ſome other ſure way for inbringin thereof. *Q. M. Par. 6, cap. 55.*

That the Lords of Council put order to the Reparrelling of Kirks, and Kirk-Yards. *Q. M. par. 9, cap. 78.*

Ratification of this Act, and the Councils order following thereon, upon the Thirteenth of September 1563, with this Addition, That where the Parochminers reſuſe, to Eleſt Perſons, to Tax themſelves; or where there are no Deacons to Collect it, That there the Biſhops may chuſe Both Stem-makers and Collectors, That the Abſtracters of the Materials of Kirks Demoliſhed, may be conveyed therefore before the Biſhop, And that Letters of Horning be direct on their Sentences. *Jam. 6, Par. 3, cap. 34.*

That the Miniſters of the Evangel, and People now profeſſing Chriſt, as Offered in the Goſpel, and Communicating in the Sacraments, as now Adminiſtrat; conform to the Confeſſion of Faith, are Chriſts True and Holy Kirk, And that all that Gain-ſay the ſaid Evangel as Profeſſed, or reſuſe the ſaid Sacraments, are no Members of the ſaid Kirk. *Jam. 6, par. 1, cap. 6. Anno 1567, Ratified, par. 3, Cap. 47. and par. 6, cap. 68.*

That the Examination and Admiſſion of Miniſters, be only in the Power of the ſaid Kirk, without prejudice to the Patrons Rights. *Jam. 6, Par. 1, cap. 7. See Patrons, The Teinds are ſaid to be the Patrimony of the Kirk. Ibid. cap. 10. The Act is, About the Thirds of Benefices &c.*

Ratification of all Civil Priviledges granted to Kirk-men *Ibid. cap. 24.*

Ratification of all former Acts in Favours of the True Kirk, and Religion then Profeſſed. *Jam. 6, par. 1, cap. 35, Anno 1571, Par. 3, cap. 61. Par. 6, cap. 68. par. 7, cap. 99, (This Act contains a full Enumeration of the Acts therein Ratified.); Jam. 6, par. 10, cap. 214, (whereby the Acts par. 6, cap. 68. and par. 7, cap. 99. are more eſpecially Confirmed, and Presbyterian Government Eſtabliſhed), and Jam. 6, par. 16, cap. 16.*

The Jurisdiction of the Kirk Declared to stand in the Preaching of the Word, Correction of Manners, and Administration of the Sacraments; And that there be no other Face of Kirk, then what is now Established, And that there be no other Ecclesiastick Jurisdiction within this Realm anent the Premises, but what is in, and flows from the said Kirk. *Jam. 6, par. 6, cap. 69.*

That Troublers of the Kirk, or who raises any Fray therein, or in the Kirk-yard, the time of Divine Service, be punished by Tinsel of all their Moveables. *Jam. 6, Par. 12, Cap. 27.*

As, Establishing Presbytery in its General, and Provincial Assemblies, Presbyteries, and Kirk Sessions, with the whole Jurisdiction and Discipline of the Kirk, as agreed to by the King and the Kirk, and contained in certain Articles insert in the Act: As also Abrogating some particular Acts, and all other in General for the Popes Authority, with an Act *Jam. 3*, for observing the Saturday and other Vigils; An Act *2. M.* For holding of *Pafes* and *Twill*, and all other Acts and Laws against the True Kirk, Jurisdiction and Discipline thereof, are Abrogat: It is also Declared that the Act *Jam. 6, Par. 8, Cap. 131*, Confirming the Kings Royal Power, doth not Derogat from the Power of the Spiritual Office-Bearers in the Kirk, concerning Religion, Heresy, Excommunication, Collation, and Deprivation of Ministers, and such like Essential Censures, specially Warranted by Gods Word, and all Presentations are ordained to be made to Presbyteries. *Jam. 6, Par. 12, Cap. 116.* But this Act Abrogat first in part, *Jam. 6, par. 21, Cap. 1.* And then totally, *Cha. 2, Par. 1, Sess. 2, Cap. 1*, both in *Bishops*.

All Committers of Slaughter, within Kirks or Kirk-yards the time of Prayer, Preaching or Ministring the Sacraments, being Denounced therefore, and all declared Refreters of them after their said Denunciation, Tine their Liferents as well as their simple Escheats to the King. *Jam. 6, Par. 12, cap. 118.*

A Person being charged by the Beddle, and thereafter by the Minister of the Paroch, thres several Sabbaths from Pulpit, in the Name of God and the King, to obey a Sentence of the Kirk against him; and refusing, may be Cited upon Supplication of the Judicatory, that gave the Sentence before the Lords of Session, that Letters of Horning on an Charge of Ten Days be Direct against him in case of Disobedience. *Jam. 6, Par. 13, Cap. 160.*

All Common Kirks declared to be of the Nature of other Parsonages and Vicarages, and ordained to be conferred to Ministers by Presentation and Collation. *Jam. 6, par. 14, cap. 196.*

That the Parochioners Repair the Kirk-yard Dykes, with Stone and Morter to the Hight of Two Elle, with sufficient Stiles and Entries, and that the Lords of Session direct Letters hereupon as effects. *Jam. 6, Par. 15, Cap. 232.*

That Synods of the Kirk of every Diocy, be held Twice a Year, in *April* and *October*, and where the Diocy is large, that there be Two or Three Synods, in convenient places for the Ministers their ease. *Jam. 6, par. 21, cap. 1.*

That Kirks be provided of Basons and Lavers for Baptism, and Cups, Tables, and Table-Cloaths, for the Holy Communion, at the Expence of the Parochioners: And that the Minister keep the same, and he and his Heirs and Executors be Answerable therefore, in case they be either lost or used to Profane Uses, and that the Ministers raise Letters and do Diligence hereupon, betwixt and the first of February 1618. *Jam. 6, Par. 22, Cap. 6.*

Act, Establishing and Confirming the Presbyterian Church Government and Discipline; That is the Government of the Church, by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies; Ratified by the Act. *Jam. 6, par. 12, Cap. 114. Anno 1592:* And thereafter Generally Received to be the only Government of Christs Church within this Kingdom, Reviving the said Act 1592, but Rescinding the Acts, *Jam. 6, par. 18, cap. 2. Par. 21, cap. 1. par. 23, cap. 1. Cha. 2, par. 1, Sess. 2, cap. 1. par. 3, cap. 5. par. 2, Sess. 2, cap. 2. par. 3, cap. 2, and 6.* With all other Acts in so far as contrary to, or inconsistent with the Protestant Religion, and Presbyterian Government here Established, and the Exercise of Church Government, seized in the hands of Presbyterian Ministers, Outed for Non-Conformity, since the first of *January* 1661; And such Ministers and Elders, as they have Admitted or shall Admit: The rest of the Act is for the Execution of this Settlement in that Juncture. *W. and M. Par. 1, Sess. 2, cap. 5.*

This Act Ratified, and that none be admitted or continued to be a Minister or Preacher in this Church, unless he first Swear, and Subscribe the *Confession of Faith*, as the Confession of their Faith, and that they will constantly adhere to it; As likeways, that he Ownes *Presbyterian Govern-*

Government as now Settled to be the only Government of this Church, and will Submit thereto, and never endeavour the Prejudice thereof. *Item*, That Uniformity of Worship and Ordinances as now performed and Authorized, be Observed by all Ministers and Preachers, And that they Subscribe to Observe, and Observe the same: And States of Parliament Address Their Majestie's for an Assembly, That all Ministers may be Assumed in the Terms foresaid, or Deposed; but if they make the Offer, they are to be Protected, unless they be proven to be Scandalous, Erroneous, Negligent or Insufficient, within 30. Days after their Application. *Item*, It is recommended to the first Assembly to appoint Commissioners to be chosen in a due proportion to the Churches in every Presbytery, to make the Representation equal. *Item*, All School-Masters and Teachers in Schools, are Declared lyable to the Trial and Censure of the Presbytry of the Bounds; And the Privy Council, and all Magistrats and Officers of Justice, are to assist to make the Sentences and Censures of the Church to be obeyed, or otherways Effectual, *Seff. 4. Cap. 23.*

That where Preachers not settled, are Employed to Preach in vacant Kirks north the Water of Forth, they have 20. Merks for their Preaching each LORDS Day Fore-noon and After-noon, out of the vacant Stipends of the said Kirks, upon a Certificat of the Presbytry of the Bounds. And Presbyteries are Impowered to appoint Factors in their respective Bounds, to uplift as much as will pay the said Twenty Merks, and all Advocations or Suspensions, save on Confignation Discharged; and the wrongous Suspender to pay a Fifth Part more, and these Factors to be Comptable to the Preachers, and to have a Tenth Part more for their Pains, *W. and M. Par. 1. Seff. 5. Cap. 15.*

This Act Extended to Preachers settled, if or another Presbytry, and if they Preach alone at the Kirk, tho not both Fore-noon and After-noon, and the Power of the Factors Extended against any single Heretor, if liable in as much, or the Patron or General Collector in case they have uplifted, *Seff. 6. cap. 13.*

That who Intrudes into any Church, Manse, or Benefice, or Exercises any Part of the Ministerial Function, in any Paroch without a lawful Call from the Paroch, and Admission by the Presbytry, be Removed and Declared Un capable for seven Year, by any ordinary Judge or Magistrat upon Complaint of the Presbytry, upon whose Sentence proceeding on a Citation of Ten Days, Letters are to be direct. *Item*, A Recommendation to the Council to Remove all Intruders, and to Stop and hinder all Ministers Deposed,

Deposed, or who shall be Deposed, to Exercise any Act of their Ministerial Function, *W. and M. Par. 1. Sess. 5. Cap. 22.*

Act Indulging such as were actual Ministers before His Majesty's Accession to the Crown, and under no Sentence since, but did not qualify themselves according to the Act, *Sess. 4. this Parliament*, to Qualify themselves betwixt and the first of September 1655, and so to continue in their Kirks without meddling farther, till they be assumed. *Item*, It is Declared, that when ever a Minister shall be assumed by the Kirk, he shall be Admitted to Qualify himself. *Item*, The Act 1669, forbidding Suspensions of Ministers Stipends, save on Discharges or Confignation Ratified, and Advocations are Discharged *simpliciter*. *Item*, That Ministers Charges and Actions for their Stipends before the Lords be Summarily discussed, and that the Wrongous Suspender be Decerned in a Fifth Part more, with what the Lords shall find farther Reasonable, *Cap. 27. Ibid.*

That none oppose by Rabbling, Tumult, or any Violence, any Minister duly sent to Supply the Vacancy of, or Exercise the Ministry in any Paroch under the Pain of 100 *lib.* each Heretor or Liferenter, and of 50. Merks every Unlawful Person *et cetera* *quodammodo*, or to be Punished Corporally by the Council, and to this case is Extended the Act, *Car. 1. Par. 1. Cap. 7. In Ministers*. And the Heretor or Liferenter in whose Bounds any of the Rabblers resides; is bound upon Imputation by the Minister Injured, or of the Presbytery to produce them; wherein if they Fail, or Suffer thereafter the said Rabbler, to Haunt openly within their Bounds by the space of 20. Days, they shall be held to be Art and Part, and so Punished by the Council. *Item*, When the Keyes of Kirks are retuned to be given up to Presbyteries, the next Magistrat or Justice of Peace, if required, is Bound to make the Doors patent, and put new Locks thereon, and give the Keyes to the Presbytry, under the Pain of 100. *lib.* amoung the Presbyteries Expences, to be Indisput by the Council, for the use of the Poor, *Sess. 7. Cap. 2. Ibid.*

Kirk-Lands.

That no Dew or Tack of Kirk-Lands obtained since the fifth of March 1558, be a good Title for Warning and Removing the kindly Tenants and Possessors of the same, until Whitsunday 1566, without the Queens Licence had in Writ; and that no Kirk Man whatsoever let Fews or Tacks of Kirk-Lands for the space of Three Years next to come, without the like Licence, *2. M. Par. 9. Cap. 77.*

That

That all Confirmations to be granted by the *Queen*, of Infeſtments of Kirk-Lands given ſince the ſixth of *March* 1558, be alſo valid as the Popes Confirmation was of before, providing that ſuch of the ſaid Infeſtments as are not Confirmed be of none Avail, *Q. M. Par. 10. cap. 88.*

That all Fews of Kirk-Lands ſet, either before or after the Eighth of *March* 1558, be brought in and Confirmed for the Rates mentioned in the Act; And that all ſuch Fews ſet, or to be ſet, and not confirmed, be Null by way of Exception, and alſo Reducible at the Inſtance of the Kings Advocate for this ſole Reaſon, *Jam. 6. Par. 9. cap. 7.*

But this Act as to all Fews ſet preceeding the Eighth of *March* 1558, in this manner corrected; That all Fews ſet by Prelates of old, being Authorized by the Subſcription of King *James* the ſixth, or any of his Predeceſſors, and their Privy Seal, are declared to be Good, Valid, Lawful, and perfect, and as Eſſectual as if the Pope, or Kings moſt ſolemn Confirmation were therewith produced, *Jam. 6. Par. 13. cap. 187.*

That no Erection of Kirk-Lands or Teinds in Temporal Lordſhips, made ſince the Act of Annexation 1587, be Ratified, and that none be made in time coming Declaring the ſame to be Null, excepting all Erections of Parts of Kirk-Lands already erected, in Favours of ſuch who ſince the Act of Annexation have been made ſolemn by Lords of Parliament, by Belting and other Ceremonies, and have ſitten therein, *Jam. 6. Par. 12. cap. 121.*

All Erections granted and Ratified ſince the Act of Annexation of the Temporalities of the Kirk 1587, and not therein Excepted; Reſcinded and Declared Null, *Jam. 6. Par. 14. cap. 195.*

The Superiorities of all Kirk-Lands, with the Casualties of the ſaid Superiorities, not Diſponed before the Commiſſion of Surrender, dated the 17. of *January* 1617, And alſo the whole Few-mails, and other Rents thereof ſince the ſaid Commiſſion, Declared to belong to the King, Reſerving to the Titulars of Erection, as in the Act of Annexation then made, *Car. 1. Par. 1. cap. 10.* And that all Right of Property the ſaid Superiours, had the time of the ſaid Surrender, be holden of His Maſteſty, as it held before the Erection, excepting the Superiorities belonging to Arch-Biſhops, and Biſhops and their Chapters, from this Act, *Cha. 1. Par. 1. cap. 14.* See the ſaid Act of Annexation, *Car. 1. Par. 1. cap. 10.* with the Ratification thereof, *Car. 2. Par. 1. Seſſ. 1. cap. 53.* In Annexation.

All the Superiorities that formerly pertained to Biſhops, Chapters, and their depending Offices, Declared to pertain

tain to their Majesties, and the Vassals to hold of them in the same manner without any Interposition, which is by this Act Excluded, albeit the Vassal should consent. W. and M. par. 1, Sess. 2, cap. 29. That Vassals of Kirk-Lands, valued 10 *libr.* or under, may pass their Chartours at the Great Seal *per saltum gratis*, if an Hundred Pounds or under to Ten *libr.* their Signatures and Chartours to pass throw Registers and Seals, for Ten *libr.* for all Dues and Fees whatsoever, if 200 *libr.* or under to 400 *libr.* for 25 *libr.* in like manner. Item, That they pay no Seafin Ox, and their Dues to the Sheriff for their *Aque's*, not to exceed the Twenty part of their Few-Duties, And the Vassals of Kirk-Lands in Orkney and Zetland, not exceeding 20 *libr.* in Valuation, to bruik by the Udal Right, without Renovation of their Rights and Inseiments. W. and M. par. 1, Sess. 2, cap. 32, But the said Vassals of 100 *libr.* not only allowed the above Privilege of Vassals of 10 *libr.* of Valuation and under, but the special Services and Precepts for Insefing their Heirs, to be expd in Chancellary for Ten Merks, with the other Priviledges in the Act immediatly above. Sess. 7, cap. 11, *Ibid.*

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Labouring.

MEn of simple Estate that should be Labourers, should either have half an Ox in the Plough, or else Delve each Day Seven Foot Square, under the pain of an Ox to the King. Jam. 1, par. 2, Cap. 41.

That each Man having a Plough of Eight Oxen, Sow at least a Firiot of Wheat, half Firiot of Pease, and Fourty Beans Yearly, under the pain of Ten Shillings, to be Exacted by the Baron, who is to Sow as much on his own Domains, and to Exact the said Fine from his Tenants under the pain of Fourty Shillings. Jam. 1, par. 3, Cap. 42, and Jam. 2, par. 1, Cap. 43.

Land-Lords.

That every Master that is Lord, Baron, and Free-holder, answer for his own Men, Dwelling upon his Bounds within the Shire, to Enter them to the Law, or be lyable for their Un-Law. Jam. 5, par. 3, cap. 6.

That all Masters, and Namely Land-Lords within Towns, be holden to Enter and present to Justice, Persons within their Bounds, or Dwelling in their Houses suspected to be Thieves,

Thieves, Harlots, Refusers of Their, or Vagabounds, and that therefore the Land-Lords within Towns or their Suburbs, take Sovery of their Tenants for their Relief. *Jan. 5, Par. 24, Cap. 237.* At the Marginal Note of Tenants and Indwellers in other Mens Houses; The Act is, For punishment of Theft. *Reiff. &c.*

That Land-Lords and Masters be liable for their Tenants, Cottars, and Servants Sentenced for Field Conventicles, or Refus of Preachers Incommunicated, or declared Fugitive, either to pay their Fines, or to put them out of their Lands or Service, or to protect them so Justice, as in the Act, *Chs. 2, Par. 3, Cap. 4.* The Act is, For securing the Peace of the Country.

Lantern, see Fire.

Law-Borrowers.

When Two Parties are Assured by Burrows, if any Friend to either Slay the other, he shall Die therefore, and his Goods be Escheat. And if he Personiously Hurt, or Defoul; Assault with Edge or Ure, he shall be Imprisoned, Assure the Party, and make Amends to the King or Lord as effect. *Jan. 2, Par. 6, Cap. 98.*

If a Man Dread another, and ask Sovery, and prove his Ground of Fear by his own Oath, or otherways; If the Sheriff do not his Office, he pays Forty Pounds to the King, and Assure the Party. *Jan. 1, Par. 9, Cap. 125.*

That in the case foresaid, the Sheriff and other Officers take Burrows of Peace after the former Act. *Jan. 2, Par. 6, Cap. 125.*

The pains of Breaking of Lawborrowers declared to be according to the Degree and Quality of the Person on whom they are broken; But the Act is only appointed to endure until the next Parliament. *Jan. 3, Par. 2, Cap. 5.*

That upon Complaint of a Party Lawborrowers be found, that he shall be Harmless and Scatchless, in his Person or Goods, under what pain the Lord Chancellour or Justice shall Modify. *Jan. 4, Par. 3, Cap. 27.*

That the pains of Lawborrowers be divided betwix the King and the Party, and that the Party have Action thereon. *Jan. 6, Par. 6, Cap. 77. and Par. 13, Cap. 168.*

That the Form of Letters of Lawborrowers, Charge the Person Complained upon, to find Lawborrowers, that the Charge, their Wives, Daughters, Tenants and Ser-

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vants, shall be Harmless and Skaithless in their Bodies, Lands, Tacks, and Possessions, Goods and Gear, and on noways to be Molested or Troubled therein, by the Persons Charged, or any other of their Causing, Sending, Bouding, Reserfing, Command, Assistance and Ratihibition, whom they may stop or let Directly, or Indirectly, otherways then by order of Law and Justice, under great pain, to be Modified by the Lords of Session, and other Judges Ordinary, and divided as in the former Act. *Jam. 6, par. 7, cap. 117. See Pains, and the pains of Lawborrows there setdown, by the Act. Jam. 6, Par. 13, Cap. 16.*

That no Letters of Lawborrows be granted against Complices in General, and that Caution be found to the Justice-Clerk, and his Depute, that they shall be duely Execute. *Jam. 6, Par. 11, cap. 85. See Executions.*

That the Person Charged by Letters of Lawborrows be lyable to the pains of Contravention, albeit he be Denounced for not finding Caution, and that in case of Caution found, both he and his Cauioner be lyable. *Jam. 6, Par. 15, Cap. 269.*

Laws, *see* Parliament.

That all the Kings Leidges Live, and be Governed by the Kings Laws, and under no particular Laws, nor Laws of other Counsries. *Jam. 1, Par. 3, Cap. 48. And this is specially Statute for the Isles. Jam. 4, Par. 6, Cap. 79. And these Acts Ratified, and all Jurisdictions not Authorized by King and Parliament Discharged. Jam. 6, Par. 8, cap. 131. See Jurisdictions.*

Commission for Revising and Mending the Books of Law, That is *Regiam Majestatem*, and *Quoniam Attachiamenta*. *Jam. 1, Par. 3, cap. 54. Laws should be extended ad futura and non ad praterita. Jam. 6, Par. 30, cap. 19. The Act is, Addition to the Act anent double Peinding, See it in Peinding, and Jam. 6, Par. 13, Cap. 182. See it in Prelacies.*

Leagues and Bands.

That no Leagues nor Bands, be made amongst the Kings Leidges, and that such as are made be not kept. *Jam. 1, Par. 2, Cap. 30.*

That no Leagues, nor raising of Commons, be made in Burrows, to the hindering of the Law, but at Command of the Head Officer under the pain of Confiscation of Goods, and their Lives to be at the Kings Will. *Jam. 2, par. 14, cap. 77. Jam. 4, par. 3, cap. 34. And*

par. 6, cap. 37. Ratified Jam. 6, par. 12, cap. 17.

That all Leagues made in time bygone, among the Subjects be Null, and that none be made in time coming, under the pain of Warding, during the Queens pleasure. 2. M. par. 6, cap. 43. See *Man-Rent*.

And this Act Ratified, Annuling all Leagues and Bands already made in the contrary, and Discharging any to be made in time coming, without his Highness Privy and Consent, under the pain to the Makers, to be holden and Execute as movers of Sedition. Jam. 6, par. 10, cap. 12.

Revived and Ratified, And that to Explain this Act; so as not to Extend to Leagues and Bands, made for preserving the King, Religion and Laws, for the Good of Kirk and Kingdom, is False and Disloyal. Cha. 2, par. 1, Sess. 1; cap. 4. The Act is, *Act Asserting His Majesties Royal Prerogative in making of Leagues &c.*

The Kings Authority and true Religion to be Maintained against all Enemies, specially those of the Holy League, bound to Execute the Decrees of Trent, Jam. 6. Par. 3. Cap. 48.

That the League called the Solemn League and Covenant, and all that followed thereon, are not obligatory on this Kingdom, to meddle or interpose by Arms, or any seditious way, in any thing concerning the Religion and Government of the Churches of England and Ireland, or His Majesties Government there, and that none require the Renewing or Swearing, or Renew and Swear the said League and Covenant, or any other Covenant or Oath concerning the Government of the Church or Kingdom, without His Majesties special Warrant and Approbation under all Highest Peril, Car. 2. Par. 1. Sess. 1. cap. 7. And this League and Covenant is thereafter declared Null and Void, Car. 2. Par. 1. Sess. 2. cap. 2. The Act is, *Act for Preservation of His Majesties Person, &c.* and appointed to be Disclaimed and Renounced by the Declaration enjoyned for that Effect, *Ibid.* cap. 5. and Sess. 3. cap. 2. See *Declaration and Test*, Car. 2. Par. 3. Cap. 6.

Leasing making.

Leasing Makers and Tellers of them to the Engendering of Discord between the King and his People, time Life and Goods to the King, Jam. 1. Par. 2. cap. 43. Extended to such as make evil Information of the King to his Leidges as well as to these that make Leasings to the King of his Leidges, Jam. 5. Par. 6. cap. 83.

Speakers of unreasonable Communings to the occasioning of

of Conspiracy against the Prince, or of Sedition, to be Punished at the Queens pleasure, and that the Hearer make report to the Queen or her Officers under the same Pain, *Q. M. Par. 6. cap. 60. The Preface of the Act*, mentions the sowing of evil Brute among the French then in the Realm.

That all such as privately or publickly in Sermons, Declarations, or familiar Conferences utters scandalous or untrue Speeches to the reproach of His Majestie, his Council and Proceedings, or to the Dishonour or Hurt of His Highness, his Parents, or Progenitors, or who hear the same and report not with Diligence, or who meddle in the Affairs of his Highness, and his Estate, present, bygone, and in time coming, be punished as Leasing makers, *Jam. 6. Par. 8. cap. 134.*

That none deprave His Majesties Laws and Acts of Parliament, or misconstrue his Proceedings to the moving of any Mistle betwixt his Highness and his Subjects, under the pain of Death, *Jam. 6. Par. 10. cap. 10.*

And all these Acts ratified (except that of *Q. M.*) with this Addition, that Hearers and not Apprehenders, if in their Power, and Concealers, and not Revealers, be punished as the principal Offenders, *Jam. 6. Par. 14. cap. 209.*

And these Acts Extended against the Authors or Publishers of scandalous Speeches, or Writs of the Estate, People, or Countrey of England, or any Counsellour thereof, tending to the remembrance of ancient Grudges, or the hinderances of the then intended Union, or whereby Hatred may be fostered, or Mistle being raised between his Majesties Subjects of this Island; And they are ordained to be severally punished in their Persons and Goods at his Majesties pleasure, and sicklike of Hearers and Concealers, *Jam. 6. Par. 20. cap. 9.*

Lentron.

That no Man unlicensed eat Flesh in Lentron or other forbidden times, under the pain of Confiscation of all their Moveables; And if they have none, that they be punished in their Persons, *Q. M. Par. 6. cap. 36.*

That no Man eat Flesh in Lentron or on *Wednesday, Friday, and Saturday*, under the same pain of Excheat, *Jam. 6. Par. 9. cap. 5.*

Ratified, and that no Licences be Granted in the contrary, without the Testimonial of a Doctor of Medicine, or a Minister, and Twenty Pounds of Composition payed therefore, and that for a Licence to Slay, and Fell, or to a Cook

to make Ready, be payed, an Hundred Pounds, *Jam. 6. Par. 11. cap. 58.*

Lentron defined to be from the first of *March* inclusive, to the first of *May* exclusive; And the former Acts Ratified: But Innovating the Pains as follows, and that no Lamb, or young Veals, be Slain or eaten, under to pain of Ten Pounds for the first, Twenty Pounds for the second, and Fourty Pounds for the third Fault, and so the Pain to grow as the Offence Multiplies; And that in each Burgh Searchers be appointed, one by the Thesaurer, another by the Burgh, to pursue Offenders, and the Half of the Penalties to the King, and the other Half to the Burgh; And that no Licences be Granted without a Testimonial of a Minister and Doctor of Medicine, Apothecary or Chirurgeon, And that it be of no Force unless the Testimonial be produced with it, *Jam. 6. Par. 14. cap. 221.*

Leper-Folk.

Order anent Leper-Folk, *Jam. 1. Par. 7. cap. 106.*

Letters, See Horning.

Levy, See Militia.

Levy of 1579. Foot given to his Majesty in pursuance of the Act, *Car. 2. Par. 1. Sess. 3. cap. 26.* and according to the Proportions therein set down; For which Their Majesties declare, that the Militia was not to be called out for a Year and a Half after the 23. of May 1693, except in the case of an actual Invasion, *W. and M. Par. 1. Sess. 4. cap. 7.*

Act for Furnishing a Levy of 1000. Men yearly, for the then War until the next Session of Parliament. *Item,* That no Officer Take on, or Press any Free Leidge, unless by Agreement attained by him before the Judge of the Bounds, *Sess. 5. cap. 33. Ibid.*

This Act renewed for another 1000. Men yearly, and that no Officer Press, as above, *Sess. 6. cap. 23*

Liberty, See Prison, and Imprisonment.

Licences.

That Licences Granted by his Majesty for Transporting Forbidden Goods, be Subscribed by the Comptroller, otherwise are of no Avail, *Jam. 6. Par. 10. cap. 15.*

That

That all Licences and Exemptions, from Raides and Affises, or for Transporting Forbidden Goods, be Subscribed by the Thefaurer, and Registrar in his Register, otherways are Null, *Jam. 6. Par. 12. cap. 126.* The Act is, *The Names of all Rebels should be delivered to the Thefaurer, &c.*

That all Licences for Exporting or Importing of Forbidden Goods be granted by the Privy Council, and Composed, and past all the Seals, or otherways they are Null, *Jam. 6. Par. 16. cap. 15.*

Life-renter, see Conjunct-fier.

Linnen Yairn, and Cloath.

That no Linnen Yairn be Exported under the pain of Confiscation, Half to the King, and Half to the Attacher, that Linnen Yairn be Sold by Weight, and that no Reel be shorter than Ten Quartits, under the pain of Escheat of the Yairn brought to the Mercat, of a shorter Reel to be divided as said is, that all Linnen Cloath of the Price of Ten Shillings the Eln, or above, be made of the breadth of an Eln, and two Inches, under the Pain of Imprisonment of the Weaver for Fourteen Days, and Twenty Pounds besides to the Judge Ordinary, and the Escheat of the Cloath to the Attacher, and that Linnen Cloath be taken up by the Selvedge, and not by the Ridge; And that it be Bloched without Lime, under the pain of Twenty Pounds for each Fault, to be payed to the Judge Ordinary, *Car. 2, Par. 1, Sess. 1, cap. 43.* The Act is, *All Discharging the Exportation of Linnen Yairn, &c.*

That all Linnen Cloath brought to Mercat, be made up of Pieces, and Half Pieces, the Piece Twenty Four, and the Half Piece Twelve Elns; And that it contain not one Eln more or less, under the pain of Confiscation, and that Linnen be taken up in Folds, *Car. 2, Par. 3, cap. 12.* The Act contains several other Things.

As ament the Selling of Linnen Yairn, and the Working and Measuring of Linnen Cloath, and how the same should be made up and Marked for Export, See the Act, and the Act, *Jam. 7, Par. 1, Sess. 2, cap. 16.* For Burying in in Scots Linnen Ratified; but all sorts of Linnen Cloath for Private Use, or made in the Western Isles, may be made of such Length and Breadth as the Owners shall think fit.

That all Muslin, plain or stript, or Camrick, or other Linnen made in Scotland, pay Custom for the Export only

as Scots Linnen, W. and M. Par. 1, Sess. 5, Cap. 19.

Lint.

That no Green Lint be laid in Loches, or Burns, under the pain of Forty Shillings, and Confiscation of the Lint, *eties quoties*, to the Poor of the Paroch; And the Kirk Sessions are Impowered to Execute this Act, Jam. 6, Par. 18, Cap. 13.

Litster.

That no Litster be Draper, or a Cloath Merchant, under the pain of Excheat, Jam. 2, Par. 14, Cap. 66.

Locality.

All Localities for Furnishing and carrying Corn, Straw, Hay, or Grass, to Souldiers Horses Discharged, as in the Act, Car. 2, Par. 3, Cap. 3. The Act is, For a Voluntary Offer of a New Supply to the Kings Majesty.

Loch-Leven.

That none Slay Pykes, Pearches, Trouts, or any other Fishes, in the Waters, Sripes, or Burns that fall into, or run from Loch-Leven within the space of five Miles there-to, under the pain of Twenty Pounds *eties quoties*, Declared to Appertain to the Earl of Morvoun and his Son, Proprietars of the said Loch, and their Heirs and Successors; And for that End they are Impowered by themselves, or their Baillies, to convey and try Offenders, within the Town of Kinross, and Letters of Horning on six Days are Ordained to be direct on their Sentences, Car. 1, Par. 1, Cap. 10.

Loosing of Arrestment, See Arrestment.

Low-Countries, See Conservator.

That an Incorporation be made of the Scots in the Low-Countries, and their Priviledges, Ordaining the Scots residing here, and pretending to the said Priviledges, to give their Oath of Obedience to the King, and his Laws, as if they were Dwelling in Scotland; and that they pay for their Duties, Tolls, and *eties*; and the Persons refu-

fest, to be Deprived of all Benefit of, or Commerce with His Highness Leidges, *Jam. 6, Par. 6, cap. 96.*

That no Ship passand to the Low-Countries, Land any Mans Goods but at *Campvere*, or the ordinary Staple, and that no Person go on Land, or take any thing out of the Ship until his Arrival there, under the pain of Ten Pounds *Flemish*; And the Conservator should take the Merchant and Skippers Oaths thereanent, *Jam. 6, Par. 15, cap. 258.*

That Merchants coming from the Low-Countries give to the Conservator; an Account of the Quantity and Quality of their Goods; under the pain of Confiscation thereof, and that a Subscribed Cocquet thereof, be sent home to the Thesaurer; *Ibid. cap. 260.*

Lyon King of Arms.

That he hold two Peremptor Courts in the Year in *Edinburgh*, upon the 6th. of May, and 6th. of November, and call Officers of Armes and their Cautioners; upon Complaints, and Try them; And if culpable, that he not only Depolve them; but that the Cautioner Incurr the Pain, whereof a Third to the Lyon, and that his Decrees be Registrat, and that Letters conform pass thereupon, as effienc, *Jam. 6, Par. 11, cap. 46. See Messengers.*

The Lyon and his Brethren the *Heralds*, are Impowered to Visite the whole Armes of Noble Men, and Gentlemen, and to distinguish them with congruent differences, and Matriculate them in their Books: As also, to Inhibine such to bear Armes, as by the Law of Armes ought not to bear them, under the Pain of Escheating the thing whereupon the saids Armes are found to the King, and of an Hundred Pounds to the Lyon, and his Brethren, or of Imprisonment during the Lyons pleasure; That by the Advice of the Lords of the Session, he deprive such Officers of Armes, as he finds unworthie, and take Sovery of the Rest, with Power to add to their Injunctions, by Advice of the saids Lords, that all Magistrats (as required) concur with the Lyon to Execute the Act in his Favours, under the Pain of Rebellion, with Certification that Letters shall be direct against them *simpliciter*, *Jam. 6, Par. 12, cap. 125.*

That the Lion deliver to the Thesaurer or his Clerk, the Names of the Officers standing, and of their Cautioners; As also those deprived. *Ibid. cap. 126.* The Act is, *The Names of all Rebels should be delivered to the Thesaurer.*

That the Lion and his Clerk, be Charged Twice a Year, to produce their Books, of the Soveries of Officers of Armes to the Thesaurer, for getting in the half of the Po-

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nalties of such as are deprived. *Jam. 6, Par. 14, cap. 208.*
Act Ratifying the Act, Jam. 6, Par. 12, cap. 125;
 As to the Lions Power of Visiting of Arms, and Ordering
 all Arms and Signes Armorial, to be produced to him, to
 be Matricular and duly Distinguished that he may give
 Extracts, for which to be payed by Prelats and Noblemen
 Twenty *Merks*, by Knights and Barons, Ten *Merks*, and
 by every other Person bearing Arms, Five *Merks*, and
 who uses Arms otherways, to be lyable in the pains of
 the said former Act; The Lyon and his Brethren, are
 likeways declared Judges, as to the Malversation of
 Messengers, and to have all other Priviledges belonging
 to their Offices. *Cha. 2, Par. 2, Sess. 3, cap. 21.*

M.

Made-Work.

That no Trades-Man Import Work belonging to his
 Trade, or Vend the same, or any such Ware brought
 home by Merchants, in their Shops, or otherways, under
 the pain of Confiscation, half to the King, half to the
 Apprehender, and Pursuer. *Cha. 2, Par. 1, Sess. 1,*
Cap. 47. See Craft, and Trade.

Maires, *see* Messengers.

Macers.

That Macers be Sworn, to be Faithful and Secret, and
 the Price of their Labours, Two *Shillings*. *Jam. 5, Par.*
5, Cap. 62, and 63. See it in Session.

Malt, and Malt-men.

That all Malt-makers, present their Malt to the Mer-
 cat, and Sell none till Nine Hours, under the pain of
 Escheat of the Malt, and that they take no more than an
 Boll of the Bear, for making the Chalder of Malt, under
 the pain of Oppression. *Jam. 4, Par. 6, cap. 92.*

That Malt-Makers, take only Two *Shillings* more for
 the Boll of Malt, than the Boll of Bear is Sold for, under
 the pain of Escheat of the Malt, and of Oppression. *Jam. 5,*
Par. 4, Cap. 29.

That Malt-men have no Deacons, nor to be Repute Craft
 for ever. *Jam. 6, Par. 1, Cap. 29.*

Ratified, Abrogating an Act of the Town of Edinburgh
Amo

Anno 1645, whereby Malt-men and Brewers were made one of their Trades, and they are Discharged all meetings or Correspondence in any Burgh, under the pain of Five hundred Merks the Man *soties quoties*, half to the Informer, and what farther personal pains the Privy Council shall please to Infiist. *Cha. 2, par. 2, Sess. 1, Cap. 15.*

That all Malt Sold and Bought, be delivered with the heap Furler, and that under pain of Ten *pounds soties quoties*, for Buyer and Seller, besides the Etcheat of the Malt to the Informer, and this Act to stand till the next Session of Parliament, and no longer. *W. Par. 1, Sess. 6, cap. 37.*

Man-Rent.

All Bands of Man-Rent, or Maintainance already given, declared Null, except Heretable Bands given of before, or given for the Affithment of Slaughtier in time by-gone, and all such Bands are Discharged for the Future, and that all Deeds done or given therefore return to the Givers, and that the Givers or Takers of such Bands in time coming be punished by Warding. *Q. M. Par. 6, cap. 43.* This Act is, *Ancient Leagues and Bands.*

Manse, and Gleib.

That no Parson, Vicar, or other Kirk-men, set in Few, or long Tacks, their Manses or Gleibs, without the Queen Licence; That the Minister serving the Cure have the principal Manse, of the Parson or Vicar, or so much of it as may staick him, whether the Gleib be set of before or not, or that a reasonable House be Built him by the Parson, or Vicar, or their Fewers, or Tack-men, and so much Lands thereto Annexed, as shall be appointed thereafter. *Q. M. Par. 9, cap. 72.*

And for Explanation of this Act, It is appointed, That the Parson or Vicars Manse, most ewest to the Kirk, with Four Aikers, or so much as there is of the Gleib, most ewest to the Manse, shall pertain to the Minister, or Reader serving at the Kirk, to be Designed by the Bishop, with advice of two Honest Men of the Paroch, And that on the Bishops Testimonial, and the Parties Bill, Letters be direct on Ten Days, Charging the Possessors to Remove, That there Manses and Gleibs be not Annalized, or set in Few, or Tack, in prejudice of the Successor: That if the Fewer or Tack-man, have made Sump-tuous Biggings, or be unwilling to Remove, then the Bishop agree the manner, by getting the Minister another Manse, as good as the Manse set was, the time of the setting,

ing, with certain Aikers of Land adjacent thereto, or otherways that the Fewer or Tackf-man, Remove *simpliciter*, but the Fewer or Tackf-man Removed, is to have a Deduction of his Maill, and also of his Entries Silver, *secundum ratam*. Jam. 6, Par. 3, Cap. 48.

Tasse Acts extended to all Abbacies and Cathedral Kirk; where no other Parson, or Vicars Manse was of before, so that the Minister serving the Cure, is to have a sufficient Manse within the precinct (or else the Abbot or Fewer, is to give him one also ewest and commodious) Together with Four Aikers of the best, and most commodious Land lying contigne, and most ewest to the Manse which pertained to the Abbacy, or any Member thereof. Jam. 6, Par. 12, Cap. 116.

That where of Old there has been no Gleib, or the Gleib less then the Four Aikers, that the Designation be made of the Parson, Vicar, Abbot, or Priorests Lands, and Failzying thereof, out of the Bishops Lands, Friers Lands, or any other Kirk-Lands within the Paroch; And that Gleibs be Designed with freedom of Foggage, Fewel, Fail, Deviot, Loaning, Free-isch, and Entry, and other Priviledges, according to use and wont. Jam. 6, Par. 23, Cap. 161.

That the Fewers, Possessors, and Tackf-men, out of whose Lands as most ewest to the Kirk, Manses, and Gleibs are Designed, have releif of the other Fewers, Possessors, and Tackf-men within the same Paroch, *pro rata*. Jam. 6, Par. 14, Cap. 199.

That where there is no Arrable Land adjacent to the Kirk, Four Soums Grass of the best, and most commodious Pasturage of Kirk-Lands, within the Paroch be Designed, in manner foresaid for each of the said Four Aikers. Jam. 6, Par. 18, cap. 7.

And as Gleibs are Teind Free, Jam. 6, Par. 3, Cap. 61. (*in Gleib*) so are their Soums Grass. Jam. 6, par. 23, Cap. 10, *See Gleib*.

That all Bishops and other Ecclesiastick Persons, Build and Repair their Manses, and if they suffer them to Decay, that their Executors be lyable to their Successors; As also that their Successors be obliged to give Satisfaction to their Executors for Expences of Reparation they shall make, at the sight of two or three Bishops, not exceeding a Thousand Pounds, if they be Prelats, and Five Hundred Merks if they be Inferiour Ministers. Jam. 6, par. 23, cap. 8.

That where competent Manses are not, the Heretors of the Paroch, at sight of the Bishop, or such Ministers as he

he shall appoint, with two or three discreet Men of the Parochy, Build compleas Manse, not exceeding a Thousand Pounds, not under Five Hundred Merks Value, and where competent Manse are already, that the Heretors releive the Minister, or his Executors of the Expences of Repairing the same, and these things being once done, the Manse to be upheld by the Incumbent during his time, and by the Heretors in time of Vacancy, out of the readiest Vacant Stipends; And that Ministers have Fewel, Foggage, Fail, and Devotts, according to the Act. *Jam. 6, par. 13, cap. 161, (above)* And that Ministers (except Ministers in Burghs, that have no Right to Gleibs) have Grass for one Horse, and two Kine to be Designed, and with releif as above, and if there be no Kirk-Land near the Manse, or the same be Arrable, that then the Heretors pay the Minister Twenty Pounds Yearly, for his Grass and be releived as said is, That no Incorporat Aikens in Village, or Town, where the Heretor hath Houses and Gardens, be Designed for Gleibs, and this Act is drawn back to the Fourteenth of March 1643. *Ch. 2, par. 1, Sess. 3, cap. 21.*

Manufactory.

Act, For Erecting of Manufactories, Granting several Powers, Immunities and Priviledges in their behalf, as in the Act; And particularly, that all Materials useful for Manufactories, that shall be Imported, be Free of Custom, Excise and other Publick Dues; And that no Native or Stranger, Export any Materials useful for Manufactories, until made in Work, or put to the best Avail, under the pain of the Value, half to the King, half to the Informer and Pursuer, and such farther Punishment, as the Exchequer shall appoint. *Ch. 2, par. 1, Sess. 1, cap. 40.*

All Lin-Seed, Hemp-Seed, and Steel Imported, are declared to be Exempted from Publick Dues, as Materials useful for Manufactories, conform to the provision contained in the said Act. *Ch. 2, par. 1, Sess. 3, Cap. 20.*

Act, For Erecting Companies, for Prosecuting the saids Manufactories: With several Powers and Priviledges in the Act, and Generally with all Priviledges Granted, or that shall be Granted, to the Societies of Fishers. *Ch. 2, par. 1, Sess. 1, cap. 42.*

That Masters of Manufactories may Seize, and Employ Vagabounds, and Idle poor Persons, in their Works for Ten Years, in manner setdown in the Act. *Ch. 2, par. 1, Sess. 3, Cap. 16. See it in Pow.*

Ratifi-

Ratification of all Acts for Encouraging of Manufactories, as in the Act, specially, the Act Cha. 2. Par. 1. Sess. 1. cap. 43. (See it in Linnen) and Cha. 1. par. 1. Sess. 1. cap. 46. (See it in Forbidden Goods) Cha. 2, Par. 3. Cap. 12.

Marriage.

That who Marries Two Wives, or Two Husbands, both living, Undivorced, be punished as perjured by Escheat of Moveables, Warding Year and Day, and Infamy. 2. M. par. 5. Cap. 19.

That Marriage be as free as Gods Word allowes, and that Seconds in Degrees of Consanguinity and Affinity; And all out with those contained in Gods Word, might have Married lawfully, since the Eight of March 1558. And may do so in time coming, Jam. 6, par. 1. Cap. 15.

The Man or Wife wilfully diverting by the space of Four Years, may be cited and sentenced to adhere, and thereon charged, and denounced, and after Privy Admonitions direct by the Bishop, the Minister of the Paroch, by the Bishops order shall admonish him publickly, and proceed to Excommunication, in which case the Parties obstinacy shall be an sufficient cause of Divorce, and the offender shall fine the Forcher, or Donation, *propter nuptias* Jam. 6, Par. 4. cap. 55.

That who ever Marries in a Clandestine unorderly way, or by persons not Authorized by the Kirk, shall be imprisoned for Three Months, and beside shall pay, the Nobleman, an Thousand Pounds, The Gentleman and Burgess Five Hundred Pounds, and each other person an Hundred Merks, and that they remain in prison while they pay, and the Fines to be applyed to Pious uses of the Paroch where they dwell, That the Celebrator be banished, not to return, under the pain of Death, That none of the Parties, where both reside in Scotland, get themselves Married in England, without Proclamation of Banns in Scotland, and against the order of this Kirk, under the pain, a Nobleman a Thousand Pounds, a Landed Gentleman, a Thousand Merks, a Burgess, Five hundred Pounds, each other substantial person, Five Hundred Merks, a Yeoman a Hundred Pounds, and each Inferior person, a Hundred Merks, half to the King, half to the Paroch, And that the King, or Kirks Advocat pursue the Contravenors of this Act, and that such are unable to pay, be punished with Stocks, and Irons, and all without prejudice of the Kirk-Censures, Cha. 2. par. 1. Sess. 1. Cap. 34.

But now this prosecution of Clandestine Marriages is allowed

allowed to every Procurator Fiscal, W. and M. Par. 1, Sess. 7. Cap. 12. And farther the persons so Married, are obliged when required to declare the name of the Celebrator and Witnesses, under the pains, the Nobleman, 200 *libr.* The Landed Gentleman 1000 *Merks*, Any other Gentleman or Burgess 1000 *libr.* and any other person 200 *Merks*, and to be imprisoned till they declare and pay. Item, The Celebrator may be summarily seised by any Magistrate or Justice of Peace, and is punishable by the Council, not only with Banishment, but by such pecunial or corporal Pains as they shall think fit. Item, The Witnesses made lyable in the Sum of 100 *libr.* *toties quoties* for Pious Uses *ut supra* Sess. 7. cap. 6, *Ibid.*

It is farther statute, That who Marries by any Person not lawfully ordained, or Authorised thereto, he and she amit their *Jus Mariti*, and *Jus Relictæ*, Cha. 2, par. 2. Sess. 3. Cap. 9. The Act is, *Act against unlawful Ordinations.*

The Expences of Marriages Regulate, Cha. 2, Par. 3. cap. 14.

Marriage Casualties.

That in Service of Airc, holding Lands Waird, Tax, or Few, *cum Maritagio*, the Inquest retour the Taxt, for the Marriage, and of the Few *cum Maritagio*, that it may be insert in the Precept. Cha. 2. Par. 2. Sess. 3. cap. 14.

Meal.

That after the 1 of January 1697. All Meal be bought and sold by weight, viz. Eight Stone Trois, in place of the Boll, *Lindithgow* Measure, under the pain of Escheat of the Meal, to the Informer and the Imprisonment of the Seller for Eight Dayes, which all Judges are to Execute, under the pain of double the value, W. and M. Par, 1. Sess. 6, Cap. 6.

Shyre of Merns.

That the Court place thereof, be removed from *Kincardine*, to *Stonebyre*, Jam. 6, par. 16. Cap. 27.

Ratified, And that the said Burgh of *Stonebyre*, and Mercat Cross thereof, be the head Burgh, and place of all Executions and Publications within the Shire, Jam. 6. Par, 19. cap. 7.

Q

Mer-

Mercat, see Burghs, Cocquet, Low-Countries, and Ships.

Towns and Paroches, which had Mercats on the Sabbath, which are now prohibit, may choise any other Day in the Week for holding the same, it it be not the Mercat day of the next Town, *Jam. 6. Par. 12. cap. 122.*

That no Royal Burgh keep Mercat on Munday, or Saturday, under the pain of an Hundred Merks, but that they change the same to other dayes, But Fleishers in these Burghs, may keep Fleish-Mercats on these Dayes. *Cha. 2. Par. 1. Sess. 3. cap. 19.*

This Act Ratified, and all Burghs of Regality and Barony, and other Mercat Towns are allowed to change their weekly Mercat Days, from Saturday and Munday, to any other Day of the Week, providing they make Intimation to the next adjacent Burghs, and pitch not on the Mercat Day of any Burgh Royal, or Mercat Town, within Four Miles, but Fleishers are excepted as above, *W. and M. Par. 1. Sess. 5. Cap. 14.*

Merchants.

That no Merchants pass over the Sea in Merchandice, unless he have of his own, or under his Government, at least, three Serplaiths, or Two Hundred Twenty Four Stone of Wool, or the value, under the pain of Ten Pounds, And this to be tryed by an Inquest, *Jam. 1. Par. 2. Cap. 38. Jam. 2. Par. 14. cap. 67.* or having in his own half a Last of Goods, or so much in steorage, and Governance, *Jam. 3. Par. 2. cap. 13. and Par. 14. Cap. 106. Jam. 4. Par. 2. Cap. 14. and Jam. 5. Par. 4. Cap. 24.* In which Last Act the pain is made Twenty Pounds, and the Execution very strict.

That Sailers in Merchandice, be Freeman, Indwellers of Burghs, *Jam. 2. par. 14. Cap. 67.* This Act is said to be made by the Clergy, and Barons, and the same is statute, *Jam. 3. par. 2. Cap. 11. & par. 14. cap. 106.*

That no man of Craft use, nor Sail in Merchandice, unless he renounce his Craft, *Jam. 3. par. 2. cap. 12.* under the pain of Escheat of the Merchandice, *Jam. 3. par. 14. cap. 107. See Ships.*

That no Guids be sent to the Swyn, or Sluise the Dam, or Bruges, *Jam. 3. par. 2. cap. 26.* But that Merchants
Sails

Sail to Rochel, Boirdeaux, France, and Normandy, and that Staple-Goods remain in Staple, and pass to no Mercat, under the pain of Five Pounds, *Ibid. cap. 17.*

That no Ship be Fraughted, or Merchants Sail therein, with Guides to Flanders, but twice in the Year, that is to say, to Palch Mercat, and Rude Mercat, under the pain of Twenty Pounds to the King, *Jam. 5, Par. 4, cap. 31.*

That every Merchant Sailing with, or sending forth a Last of Guids, bring home two Hagbutes, or Mettal for making the same, according to his Pack, with Powder and Calmes, *Jam. 5, Par. 7, cap. 95.*

That no Unfreeman use Traffique, specially in the Low-Countries, under the pain of Escheat of all their Moveables, Two Thirds to the King, and a Third to the Conservator, *Jam. 6, Par. 6, cap. 97, and Par. 19. cap. 6. (See it in Burghs)*

That all Merchants and Skippers at the receiving of their Cocquets, Swear that they have no forbidden Guides, nor other lawful Guides, except what is in their Cocquets, nor shall take in other Guides all that Voyage, otherwayes the Ship and Guides, at least the Guides of the Refuser, to Swear, shall be Arrested and confiscat, *Ja. 6. Par. 15, cap. 257. See Low-Countries.*

That Merchants imploy not Aliens as Factors beyond Seas. *Car. 2, Par. 1, Sess. 1, Cap. 44. See Factor, The Act is, For Encouraging of Shipping and Navigation.*

An Act Regulating Trade, and Merchandice, betwixt the Royal Burghs, and others. *Cha. 2, par. 2, Sess. 3, Cap. 5. See it in Burghs.*

Mafs, *see* Papist, and Religion.

That none say, hear, or be present at Mafs, under pain of Confiscation of all their Goods Moveable, and Immoveable, and their Persons to be in will, for the first Fault, Banishment for the second, and Death for the Third, And that all Judges be diligent to apprehend the Contraveeners, *Ja. 6. Par. 1, Cap. 5.*

That all Sayers, and Hearers of Mafs, and Prophaners of the Sacraments, incur the Tinsel of simple and Lite-rent Escheat, *Jam. 6, Par. 11, cap. 24. The Act is, Ancient Tryal and Punishment of the Adversaries of the True Religion.*

The saying of Mafs, infers the Crime and pain of Treason, *Jam. 6, Par. 12, cap. 120.*

The Saying of Mafi, for the first Faulk, infers the simple Escheat, for the Second, the Liferent Escheat, and for the Thurd, the pain of Treason, and Forefaulkure, *Jam. 6, Par. 13. Cap. 163.*

That all wilful hearers of Mafi and concealers of the same, be Execute to the Death, and their Gudes Escheat, they being therefore found guilty, or declared Fugitive, before the Justice, or Privy Council, *Jam. 6, par. 14. cap. 193.*

Ratified *Jam. 6, par. 19. cap. 1.* And all thir Acts Ratified and extended, to all Hearers and Sayers of Mafi, without any exception, or Restriction, *Jam. 6, Par. 20. cap. 5.*

That none presume to hear, or say Mafi, under the pains contained in the Acts of Parliament, *Cha. 2, par. 1. Sess. 1, cap. 8.*

Messenger, or Officiar of Arms, *see Lyon.*

That Mairs or Serjands in Royalty, Regality, and Burrows, have Wands, and Horns in manner set down in the Act, *Jam. 1, par. 6, cap. 108.*

That Mairs or Fee, name Deputes to be admitted by the Sheriff, and that the Sheriffs chuse Mairs where needful, And that in Summonds and Attatchments, the Mair shall only shew his Precept and Warrant, *Jam. 1. par. 9, cap. 112.*

That there be only Two Hundred Officiars of Arms in all Scotland, be arand and wearand Our Sovereign Lords Arms, in which number the Lyon, and his Brethren the Heraulds, Seventeen in all are included, and the rest to be divided amongst the Shires by the proportions set down in the Act. And if the Lyon admit any more, that he not only incur the Kings indignation, but the persons admitted, to be rejected, and their Executions to be Null, That the Officers to be continued, and so in all time coming, have the Lyons Testimonial, and decent Blazons in Silver, and that they find good Sovertty to keep their Injunctions, under the pain of Five Merks, and to pay the Coasts and Skaiths of Parties, *Jam. 6, Par. 11, cap. 46, See Lyon.*

That the Officiars Sovertty be bound, that he shall be furnished with a sufficient and ready Horse, and for all the Damage, and Interest of Parties; That the Officiars wages be a Merk per diem, Summer and Winter, *Ibid. cap. 72.*

That

That Officers of Arms convict of Falsehood, or Oppression, in Execution of their Office, be punished to the Death, *Ibid.* cap. 83.

That Officers of Arms, renew their Overtures, when Dead or become insolvent, under the pain of deprivation, *Jam.* 6, par. 14. cap. 208.

That Messengers Fees may be modified on Complaint of the Parry concerned by the Inferiour Magistrat, wishin whose Bounds the Diligence shall be used, *Jam.* 7. Par. 1, cap. 35.

Metts, Measures, and Weights.

That a Stone be made for weighing Fifteen Trois Pounds, and divided in Sixteen Scots Pounds; And that accordingly, the half Stone, Quarter Pound, and other less Weights, be made and only used, *Jam.* 1, Par. 3, cap. 57. And this Act renewed, and the Trois Pound to contain Sixteen Ounces, *Jam.* 1, Par. 4, cap. 69. *Jam.* 4. par. 3. cap. 33, and *Jam.* 5, par. 7, cap. 114.

That the Water-Metts that now are, be observed, and in each Town, a Sworn-Metster appointed, for all goods sellable by the Water-met, als well Coals, or others, and that the Seller, nor none else meddle with the Metting, *Jas* 1, par. 3, Cap. 58.

That the Ell contain Thirry Seven Inches, *Jam.* 1, par. 4, Cap. 64.

That the Boll be divided in Four Furlots, and contain Twenty Nine Inches within the Boords, and above Twenty Seven, and an half Inch, even over and within the Boords Sixteen Inches, and in deepness nine Inches that the Firlot contain Two Gallons, and a Pint, and the Pint to weigh of the Water of *Tay* Fourty one Ounces, or Two Pounds Nine Ounces, so the Gallon weigh Twenty Pounds Eight Ounces, the Firlot Fourty One Pounds, and the Boll Eight score Four Pounds: And these Measures are compared in the Act, with the old Measures in King *David* the firste time. *Jam.* 1, par. 4, cap. 70.

That a General Mett be observed, according to the Pint formerly given to the Burgh of *Stirling*, for an universal Standard, whereof each Firlot to contain Eighteen Pints, and of this Pint, Quart and Firlot, three Standards to be made, and given to *Aberdeen*, *Perth*, and *Edinburgh*, appointed to be steeeds for the rest of the Realm, and that none use another Measure, under the pain of the double of the Chamberlains unlaw; but prejudice to Masters as to their

their Measures of their Ferns to be proportioned after this new Measure, *Jam. 2, Par. 14, Cap. 73.*

That the Camberlain and Sheriffs put this Act in Execution, *Jam. 3, Par. 4, cap. 23. and Jam. 4, Par. 3. cap. 33.*

That users of false Measures and Weights be Indited as Falsers, *Jam; 4, Par. 4, cap. 47.*

That all Measures and Weights, Pint, Peck, Ell and Stone, be of one quantiry, to be ordained in *Edinburgh*, and that Old Mets be proportional thereto, and if any use another Measure or Weight, that it be a point of Dittay, *Jam. 4, par. 6, cap. 96.*

That the Stone be Sixteen Pounds, and the Pound Sixteen Ounces Trois, the Pint of *Stirling* Two Pounds, and Nine Ounces Troise, of clear Water, the Ell of *Edinburgh* Thirty seven Inches, and the Firlot of *Linlithgow* Nineteen Pints, and an Jucat for measuring Wheat, Rye, Beans, Meal, and White Salt, in the Mercat by the Straik: As also, Malt, Bear, and Oats (in use to be Measured by the Heap) but at the rate of Two Pecks for three in Liew of the heap, found to be a third, and these established for general use, by a Commission of Parliament reported to the Council, and by the Council ordained to be insert in Books of Parliament, And that Provosts and Baillies of Burrows of Royalty, Regality and Barony, cause the same to be observed, under the pains contained in the Acts of Parliament, *Jam; 6, Par; 11, Cap: 114.*

That all Sheriffs, Stewarts, and Magistrats of Burrows put the saids Acts to Execution, with Power to them, to take Trial of False Mets, Weights and Measures, and the Users thereof, to amix their whole Goods to the King. *Jam. 6, par. 19, Cap. 2.*

Act Ratifying the Commission 1617, Auent Mets and Measures, wick the Sentences and Determination, given thereon, (*See the Determination, whereby the former Measures, and Acts about them are altered and Ratified*). Specially that the Measure and Furler of *Linlithgow*, should be the only Furler, for all his Majesties Leidges, to Buy and Sell with. *Jam. 6, par. 23, cap. 16.*

The foresaid Determination, finding the *Linlithgow* Staudart of the Furler to be True, and to contain Twenty one Pints and a Mutchkin Sterling, that three Straiked for two heaped Measures, do exceed and are not Just; And that therefore, there should be a new Furler, for Malt, Bear, and Oats, in place of the heap, containing Thirty one Pints Sterling Jug, that the Weight be the French Trois Stone, containing Sixteen Trois Ounces, Discharg-
ing

ing the Old Trone Weight for ever, That the Ell contain Thirty Seven Inches, and that the Pint weigh three Pounds Seven Ounces Trois, of the running Water of the Water of *Leith*, and that the Standarts be kept, Two Furlents by *Linlithgow*, the Stone Weight by *Lanerk*, the Ell by *Edinburgh*, and the Pint by *Stirling*, as of Old; And that these be the Univerſial Measures, See it after *Jam. 6, Par. 22, It is Dated 19 February 1618.*

A new Commiſſion, for Adjusting Measures and Weights, and Reduceing them to an Uniformity; And that *Linlithgow* Measure, be the Univerſial Measure. *Cha. 2, Par. 1, Seſſ. 1, Cap. 38. The Act is. Commiſſion and Inſtructions to the Juſtice of Peace &c.*

That the Coal Measure for payment of Cuſtom and Bullion, be the Chalder of *Culroſs*. *Cha. 2, Par. 1, Seſſ. 3, Cap. 17.*

That the Foot Measure be of Twelve of theſe Inches, whereof the Ell contains Thirty Seven, and that the Standart of it be made and kept by *Edinburgh*, and that all Wrights, Glaſiers, Maſons, and other Work-men, Work by this Measure allenarly *Ibid. cap. 18.*

That Three Barley Corns length-ways make an Inch, 12 Inches a Foot, to be the only Foot of Measure for all Work-men, under the Pain of 100 Pounds *scoties quoties*, Three Foot a Yard, Three Foot and an Inch, a *Scotts* Ell, and 1760 Yards a Mile, that the Measure of Bark, be Twenty Two Gallons, the Measure of one Boll of unbeaten Bark, and ſo under, and that the *Linlithgow* Barley Measure, be the Measure of all ſmall beaten Mal-lowy Bark, and the uſe of all other Measures Prohibe, under pain of 100 Pounds *scoties quoties*, and Forfeiture of the Bark. *Jam. 7, par. 1, Seſſ. 2, cap. 30.*

Mile, ſee Measure.

**Militia, ſee Hoſt, and Wea-
pon-ſhawing.**

Humble Offer to his Maſteſty of Twenty Thouſand Foot, and Two Thouſand Horſes, Armed and Furniſhed with Forty Days Proviſion, Proportioned upon the Shires as in the Act, to be in readineſs as they ſhall be called for, by his Maſteſty, to march to any part of his Dominions againſt Foreign Invaſion, or Ineſtine Inſurrection, or for any other Service, wherein his Maſteſties Honour, Authority, or Greatneſs, may be concerned; Intreating his Maſteſty to Nominate the Officiars, to Rute Maſters *exclusive,*
and

and to give Direction to the Council for the rest, whom the Parliament Impowers for the ordering, and managing of this whole Affair under his Majesty; And the Parliament Declares, that it his Majesty have farther use, this Kingdom will be all ready, betwixt Sixty and Sixteen, to hazard Lives and Fortouns at his Majesties Call, for Preservation of his Person and Authority. *Cha. 2, Par. 1, Sess. 3, cap. 26.*

Act Ratifying the Constitution and Model of the Militia, as Established by the King and Council, on the Ground of the foresaid *Act*, particularly their appointing Days of Rendezvous, allowance to Foot and Horsemen, the saids Days, and the whole *Acts* and Proceedings relating thereto, and Six *Shillings* for each Foot-man, and Eighteen *Shillings* for each Horse-man, is ordained for every Day of the Rendezvous: As also the appointment of Commissioners of the Militia is approved, and several Powers are committed to them, and the order of Poinding for Deficiency is particularly Regular; And the Lords of Privy Council, are Impowered to appoint Days of Rendezvous, and to give all Orders requisite, for the full Establishing of the Militia. *Cha. 2, par. 2, Sess. 1, cap. 2.*

That all Persons Enrolled and Employed in the Militia be thereto intirely reserved and exempt from other Levies, during that Service, That the Officers be well affected to Religion, and the Government of the Church as now Established, and that they, and all the Souldiers take the Oath of Allegiance, under the pain of Imprisonment and Banishment, that the Officers attend punctually, and none of them Desert or Dimit, without a cause first allowed by the Council, under the pains contained in the *Act*, under which they are also obliged to accept their Charges when Named thereto, as also they are to be Fined as in the *Act*, for absence from Rendezvous, and the Fines of Absence and Deficiency here, and formerly appointed, are ordained to be doubled in time of War, that the Militia-Men, be such as reside within the Bounds, and neither Desert nor yet be Changed but as in the *Act*, that the Leader of every Horse uphold him, and his Furniture for Seven Years, and then that a new Horse be provided by him and his Faction, at the Rate of Ten Pounds sterling, that beside the Days of Rendezvous already appointed, and to be observed in time of Peace, in the time of War, there be Two Rendezvous of the Regiments of Foot, Two Days each Rendezvous and Four Days of Rendezvous of the Companies, with an exception of *Argyle, Bute, and Dumbarton* Shires, because of their distance, and all former Orders about the Militia are approved

ven, except in so far as by this Act they are Innovat.
Chs. 2, Par. 2, Sess. 3, Cap. 1.

Act Discharging all Rendezvous of the Militia during his Majesty's pleasure, and until it be declared. *Jam. 7, Par. 1, Cap. 32.*

The Militia not to be called out for a Year and a half after the 23 of May 1693. *W. and M. par. 1, Sess. 4th Cap. 7.* See the Act in Levy.

Milnes, and Multures.

That no Multures be taken of Flour, coming forth of other Lands, to Sea Ports, or coming to Mercats. *Jam. 4, Par. 4, Cap. 44.*

That Breakers of Milnes, be punished to the Death as Thieves. *Jam. 6, Par. 11, cap. 82.*

Mines of Gold, and Silver.

Mines of Gold and Silver, belong to the King, if three half Pennies of Silver may be fined out of the Pound of Lead. *Jam. 1, Par. 1, Cap. 12.*

Ministers, and Readers, see Kirks and Manfes.

That the Thirds of all Benefices be payed to the Ministers, and they being payed of their Stipends out thereof, the Superplus to be Applied to the Kings use. *Jam. 6, par. 1, Cap. 10.* See *Thirds of Benefices.*

That all Benefices not exceeding Three Hundred Marks of Yearly Rent, be Disposed to Qualified Ministers. *Jam. 6, par. 3, Cap. 52.*

That Ministers should Subscribe the Confession of Faith. *Jam. 6, par. 3, cap. 46.* See it in *Confession of Faith.*

That every Paroch or Bound competent to be a Paroch, have their own Minister, with a sufficient Stipend, as the place may bear, and that Kirks Annexed to Prelacies, be provided of Ministers, with competent Livings, *Jam. 6, par. 7, cap. 100.* See *Dilapidation.*

That all Benefices of Cure, under Prelacies, be presented by the King, and laik Patrons in Favours of able Ministers, and all Gifts otherways made, are declared Null. *Ibid. cap. 102.* And all Gifts and Dispositions thereof, since his Highness Coronation, not made to Persons in the Function of the Ministry, are declared Null from the beginning, Excepting Benefices Disposed to Lords of Session, and which are laik Patronages, they being provided to Qualified Persons, conform to the Act of Parliament there-
anent,

ment, (which appears to be Jam. 6, par. 11, cap. 32. here subjoined. *Jam. 6, Par. 12, cap. 121. The Act is, Ratification of the Act made in February 1587, In Favour of the Ministers &c.*

That all Ministers or others having Benefices under Prelacies, suspected Culpable of Heresie, Papistrie, Erroneous Doctrine, Common Blasphemie, Fornication, Common Drunkenness, *non residence*, (that is to say, not Residing within the Paroch, but Absent therefra, and from the Kirk and his Office, for four Sabbaths in the Year, without Leave of his Ordinary) Plurality of Benefices having Cure, Simonie and Dilapidation, being found Guilty by the Bishop of the Diocy, or the Kings Commissioner in Ecclesiastick Causes, shall be Deprived from both Office and Benefice, that in case of Plurality of Benefices, the Acceptation of the Last, be sufficient Cause of Deprivation from the remanent, and a Minister being convicted of a Capital Crime, and therefore also orderly Deprived, his Benefices Vaiks, *Jam. 6, Par. 8, cap. 132. (See Capital Crimes in Crimes)* And their Causes of Deprivation are Extended to Persons provided als well to Prelacies as to Inferiour Benefices, *Jam. 6, Par. 11, cap. 28* : But the Clause of *non residence* comprehends not Members of Council, Members of Session, or Persons Absent by his Highnesss Licence, on his necessary Service, nor is the Act to be Extended to Benefices of Laik Patronage, provided before the Act, only all thir Persons are Astricted to sustain Qualified Ministers at their Kirks; But he that receives any Benefice, on Condition to Serve and Reside, is Declared to be Subject to the said Act, *James 6, Par. 11, Cap. 32.*

That all Ministers wait Faithfully on their Charges, and that none of them accept or use any place of Judicatory, Civil, or Criminal, or be Clerks or Nottars (except in making of Testaments) under the pain of Deprivation from both Office and Benefice, *Jam. 6, Par. 8, cap. 133.*

That Benefices under Prelacies, whereunto Readers or Ministers actually Serving are Provided, be Free of the first Years Fruits, and of the Fifth Penny, *Jam. 6, Par. 11, Cap. 26.*

They who Invades or puts Violent Hands in any Minister, shall be Punished by Tinsel of Moveables for the Violence allenarly, the one Half to the King, the other to the Party Offended, and that Letters be thereon direct, at the Instance of the Minister, the King, or Kirks Advocat, or any other Person, *Jam. 6, Par. 11, cap. 27.*

Ratified, and Extended against all who Invade or put
Violent

Violent Hands, or offer Violence to Ministers by themselves, their Men, Tennents, or Servants, or any other of their Hounding out, or Allowance for whatsoever Cause, Or sucklike to Arch-Bishops, Bishops, and Ministers whatsoever having lawful Warrant to Preach and Minister the Sacraments. And that Land-Lords, Heretors, and Chief of Clans, where the Invaders Dwell or Haunt, be holden upon Complaint of the Party to Exhibit them; And if after Legal Intimation made to the saids Land-Lords, &c. the saids Delinquents be found within their Bounds, Haunting openly for Ten Days, that they be holden as Committees, and obliged to Exhibit them under the like Punishment, *Car. 1, Par. 1, cap. 7.* And both these Acts Ratified, *Car. 2, Par. 2, Sess. 1, cap. 5.*

All Parsons, and Vicars, provided since King James the sixth, his Coronation, and not having Vote in Parliament, Council, and Session, deprived by the Kirk *ab officio* are seclused also, a *Beneficio*, and the same Vaiks, but prejudice of Tacks lawfully set by them of before, *James 6, Par. 12, cap. 115.*

That Ministers and Readers pay no Teinds for their Gleibs, *James 6, Par. 5, cap. 62, See Gleibs.*

That their Stipends be Free from all Tacks, Pensions, Taxations, or Impositions whatsoever, notwithstanding of any Gift or Disposition in the contrary, *James 6, Par. 13, Cap. 162.*

That all Gifts and Provisions made to Ministers serving the Cure of Parsonages and Vicarages, and Kirks thereof, be to them valid, and sufficient Titles, notwithstanding of any Act or Constitution in the Contrary, but Prejudice to the Rights of privat Persons, and of the Queens Kirks of *Dumfermling. Ibid. Cap. 163.*

And it is Declared, that any Act of Parliament made thereafter, in Favours of any particular Person, in prejudice of Ministers Provisions, shall be Null, except the Ministers be called, and the same reduced in hail, or in part before the Judge Ordinary. *Ibid. cap. 165.*

That all Ministers at the Receiving of their Assignations, give up a true and particular Account, how much they have of the Temporality disposed to them, *James 6, Par. 15, cap. 144.*

That Ministers at their Admission Swear the Oath of Allegiance, and Obedience to their Ordinary in all things lawfu, *James 6, Par. 21, cap. 1.*

A Minister Absent without just Cause from the Bishops Visitation, or Diocesan, Assembly may be Suspended, And if he Amend not, Deprived, *Ibid. cap. 1.*

All Ministers Entering in, or since the Year 1649, At which time Patronages were unjustly Abolished, are Declared to have no Right to Benefice, Stipend, Manse, or Gleib, for this Year 1662, or hereafter, but their Kirks to be Vntand unless they be duely presented, and Collated betwixt and the 24th of September next, *Car. 2, Par. 1, Sess. 2, cap. 3. Anno 1662.*

That Ministers keep and Observe the Bishops Visitation, and Dioecesan Assembly, and concurr with the Bishop (as required) for the Exercise of Decipline, under the pain of Suspension for the first, and Deprivation for the second Fault, from both Office and Benefice, *Car. 2, Par. 1, Sess. 2, cap. 4.* The Act is, *Concerning Masters of Universities, &c.*

And both these Acts Ratified: And that Ministers, who continue in the Exercise of their Ministry, in contempt thereof, be Punished by the Privy Council, as Seditious Persons, and Contemners of the Royal Authority, *Ibid. Sess. 3, cap. 2.* The Act is, *Against Separation and Disobedience to Ecclesiastick Authority.*

Ministers Poynding for their Stipends, need not carry the Goods to Mercat-Crosses, but may Comprise them, by Honest and Sworn Men, on the Ground where the Goods are, *Car. 2, Par. 1, Sess. 3, cap. 21.*

Act Ratifying two Proclamations of Council, Charging Heretics, and others having Real Interest, to Secure the Persons, Families and Goods of their Ministers in their Houses, and else where within the Paroch, from all Injuries and Affronts, or otherways if they present not the Actors, that they be lyable for the Ministers Reparation and Interest at the Councils sight: And that until His Majesty in his next Parliament give farther Orders therein: And but prejudice of former Acts against Invaders of Ministers, *Car. 2, Par. 2, Sess. 1, cap. 5.*

Act annull Suspensions of Charges for Ministers Stipends, *See in Suspension, Ibid. cap. 6.*

That such as shall be found Guilty in Assaulting the Lives of Ministers, or Robbing their Houses, or actually Attempting the same, be punished by Death, and Forfeiture of Moveables: And there is Five Hundred Merks of Reward appointed to the Discoverer and Seiser, or Two Hundred Merks to the Discoverer, and Three Hundred Merks to the Apprehender of the foresaid Criminals, to be payed out of His Majesties Thesaurie, *Car. 2, Par. 2, Sess. 2, cap. 4.*

Act Ratifying the Acts, *Car. 2, Par. 2, Sess. 1, cap. 3. and Sess. 2, cap. 4. and Par. 3, cap. 15.* And the Assaulting of the Lives of Bishops, or other Ministers, or

the Invading or Rabbling their Houses, or the actual Attempting thereof, to be Punished with Death, and Confiscation; And that the Parochioners where a Minister comes to be Assassinated or Murdered, be Fineable as the Council shall see Cause, and the Fine to be given to the Wife and Bairns, or Failing of them, to his nearest of Kin, and the Conforming Parochioners to be Reimbursed by the Non-conforming, or others found Accessorie, all at the sight of the Privy Council: And that the Discoverers of such Violences be Rewarded. *Item*, The Church Government as then Constituted fully Ratified, *Jam. 7. Par. 1. cap. 37.* But this Act Rescinded, *W. and M. Par. 1. Sess. 2. Cap. 28.*

Act and Proclamation, That all Ministers Pray publicly for King William and Queen Mary, as King and Queen of Scotland, under pain of Deprivation, *Convention, Act. 16.* And Ministers Deprived for not Praying as above, are Prohibited to Exerce any Part of their Ministry any where, until in presence of the Council, they take and Subscribe the Oath of *Allégeance*, and Engage to Pray as above, and not to own King James, And that the said *Act* of the *Convention* be put to farther Execution, at the Councils sight, *W. and M. Par. 1. Sess. 2. Cap. 35.*

Act Restoring all Presbyterian Ministers then (25. April 1690) *Alive*, who were Thrust out since the first of January 1661, or Banished for not Conforming to *Prelacy*, to the Exercise of their Ministry, and to their Kirks and Stipends as in the *Act*, *W. and M. Par. 1. Sess. 2. Cap. 2.*

The Calling of Ministers to be by the Heretors of the Paroch (*Protestants*) and the Elders and these Called to be proposed to the Congregation, who are to Approve, or Disapprove for Reasons to be cognosced by the Presbytry, by whose Determination the Calling and Entry of a Minister is to be Ordered and Concluded. *Item*, If a Call be not thus given within six Moneth, the Presbytrie may plant *Jure devoluto*, but prejudice always of the Calling of Ministers to Royal Burghs, as in use before the 1660; and where a part of the Paroch is in Landward, that the Call be by the Magistrats, Town Council, Kirk-Session, and the Heretors, *W. and M. Par. 1. Sess. 2. Cap. 23.*

Outed Ministers Discharged to Baptize or Marry Persons, under pain of Imprisonment, till they find Caution to Depart the Kingdom, and not to Return, without Prejudice to the *Acts against Clandesine Marriages*, *W. and M. Par. 1. Sess. 4. Cap. 12.*

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Minors,

Minors, See Curators, and Tutors.

The Privileges of Minors, as to Comproysings and Adjudications, See it in these Titles.

That no Oaths be Exacted of Minors for Confirmation of any of their Deeds, and where they are Exacted, that the Contract be void, and the Exactor Infamous, and any Person related to the Minor, may obtain the Writ to be Declared Void, *Car. 2, Par. 3, cap. 19.*

All Minors under Pupilarity Exempted from Caption or Warding for any Civil Cause, *W. Par. 1. Sess. 6. Cap. 41.*

Molestation.

That all Actions of Molestation and Troublance in properties and Communities, consisting in the Possessor, be remitted to the Sheriff, Baillie, or other Judge Ordinary where the Lands ly, and that Letters of Cognition be direct to them, at the Instance of Parties for that Effect, That the Judge Ordinary proceed on Precepts on fifteen days, and that continuations be from Eight days, to Eight days and no longer. And first, That Defences be Discussed in the place of Judgement, and then Points to be proven by Witnesses, be put to the Knowledge of a condign Inquest, of sufficient Number most part Landed Men, having at least Four Ploughs, or Three Hundred Merks yearly Irredeemable, and the Rest Substantious Yeomen Living in the Paroch where the Lands ly, or Failzieing thereof in the next Paroches; And the Inquest may Visit the Ground, and take all other Trial, and shall return their Answer in Face of Judgement, and in case of Errour may be Punished, *poena temere jurantium super assisa*, if there be Reconvention in the case before *Litis contestation*, the Judge shall proceed in both Actions *pari passu*; And shall remit the Matters of Fact *hinc inde* to the knowledge of the Assise, where the Causes cannot be divided; And either Helt of the Assise to be taken off the Persons Summoned by either Party, and the odd Man to be chosen by Cavil; If the Judge Ordinary be alledged Suspect, or unable, after calling the other Party and Cognition taken, the Lords shall appoint unsuspect Judges by their Act, or under the Quarter Seal, who shall make Faith, and have their Recompense modified by the Lords, and payed before the giving out of their Decreet by the Obtainer of the Commission, to be Repayed by the other Party; If it be found *quod temere litigaverit*; And where the Lands Contraverted ly in several Jurisdictions,

Jurisdiccions, the Lords shall grant Commission as said is, And this Act is Declared to be without Prejudice to the Members of the College of Justice to Pursue their Actions as formerly, *Jam. 6, Par. 11, cap. 42.*

Money, See Bullion, Gold, and Silver, and Payment.

That the King gar mend his Money to the same Weight, and Fineness, as in *England, Jam. 1, Par. 1, cap. 23.*

That no Man have Money out of the Realm, but he pay Fou ty Pennies per Pound, of Custom, under the pain of Tinfel: of the Money, and an Unlaw of Ten Pounds to the King, *Jam. 1, Par. 3, cap. 49.*

That none have out of *Scotland*, Gold, Silver, or Jewels, Cuinzied, or Uncuinzied, under the pain of Escheat, *Jam. 1, Par. 13, cap. 149.* The one Half to the King, and the other to the Apprehender, *Jam. 2, Par. 8, cap. 34.*

That Searchers be made at all Ports, and on the Borders, for to Restrain the having out of Money; And that False Strikers of Gold or Silver, or of False Groats or Pennies, be Punished as Law will; And that none Strik any in time coming, without Licence under the Great Seal, *Jam. 2, Par. 6, cap. 28. and Jam. 3, Par. 8, cap. 75.*

That Money be not had out of the Realm, under the pain of Ten Pounds, and the Value of what is Exported, But Clerks are heretofore made Accomprable to their Ordinaries, as Seculars are to the King, *Jam. 3, Par. 1, cap. 8. Ratified, Jam. 3, Par. 4, cap. 24.*

That no Stranger Merchant have Money out of the Realm, under the pain of Escheating of the Money and of his other Goods, *Jam. 4, Par. 4, cap. 41.* And that Searchers be appointed, and to have the Fourth of the Money for their pains, and this to be point of Dittay, *Jam. 4, Par. 6, cap. 68.*

And all these Acts anent the having forth of Money Ratified, *Jam. 5, Par. 7, cap. 108. and Q. M. Par. 9, cap. 69. With this Addition, That the Contraveeners shall Escheat all their Moveables, the Fourth Part to the Discoverer; And if he be a Partner in the Money, to be not only free of the Pain, but to have the foresaid Reward: And this Act to endure for five Years, Ibid. Q. M. Par. 9, cap. 69.*

Act Ratifying all former Acts against the transporters of Money, *Jam. 6, Par. 15, cap. 238.*

A most strict Act against the Transporting of Money,
R 2 Appointing

Appointing Merchants, Skippers, Customers, and Keepers of the Cocquets to Swear before the Thesaurer, or his Deputes, not to Export, nor suffer the same to be Exported, nor to conceal the Exporting thereof, And that no Merchant or Skipper, Trade, or make Voyage to any Forraign Place, before they take the said Oath, and produce Extraits thereupon, under the pain of the Fifth of their Moveables, and being incapable of Merchandising, or Sailing any Ships; And there is only allowed to Passengers Sixty Pounds for their Charges, And all Licences are discharged, except to such who shall make Faith, or give Bond, that the Money is to be bestowed for Timber in Norway, or for Victual in time of extream Dearth, and that they shall return the superplus, *Cha. 2. Par. 1, Sess. 3, cap. 11.*

The advisement of the Three Estates touching the matter of Money, and a new Coin of Silver and Gold then to be stricken, that the Master of the Money answer for all stricken under him, while the Warden have taken Essay thereof, and put it in his Buist: And that he may choose Servants under him to strike, and may punish them if they trespass, and that strikers (if possible) be no Gold-Smiths. *Jam. 2, Par. 8, cap. 33.*

Another order about Money and the Cunzie: That the Lords of Exchequer examine the fineness of the Coin presented them in a Buist by the Warden, *Jam. 2, par. 13. cap. 58.*

Order for Cunzising of Copper Money Four to the Penny, and that there be Cunzied 300 pounds containand Silver, *Jam. 3, par. 1, Cap. 9.*

An Ordinauce crying up the Money, And that no Black Pennies be stricken in time coming, under the pain of Death, *Jam: 3, par. 3, cap. 18.* Another Ordinance to the same purpose, *Jam: 3, Par. 45 cap. 22.*

A Third Ordinance thereanent made by the Lords of the Thire Estates Deputie thereto, *Ibid. cap. 24.*

That no Black Money, but the Kings own be taken in payment, and no man bring home strange Black Money, or Counteriteit the Kings Money, under the pain of Death, *Jam. 2, par. 5, cap. 4.*

Another order about the Money, *Jam. 3, par. 6, cap. 47.*

That no Silver or Gold Coinzied be burnt down either by Coinziours or Gold-Smiths, without the Kings Licence, but that it be holden whole to pass among the Leidges, *Jam; 3, Par. 8, cap. 66.* And that under the pain of Escheat of half of the Moveables for the first, and of the whole

whole Moveables for the second Fault, against the Owneſ and Meiter, *Jam. 6. par. 1. cap. 17.*

The rates of Money Gold and Silver hightned. *Jam. 3. par. 8. cap. 68.* And it may be doubted from this and the former Acts what Reckoning was then made for the *ſhillings*, ſeing that the Roſe-noble is eſtimat to Thirty Five *ſhillings*.

Order for Coinzieing of Money, that there be Ten Groats, in the Ounce of Silver, and paſs for Fourteen pennies the Groat, And there be a penny of Gold to paſs for Thirty of the ſaids Groats, *Jam. 3. Par. 13. cap. 93. Jam. 4. Par. 1. Cap. 2. and par. 2. Cap. 17.*

Plaeks cryed down, And the King declares he will receive them in, and give a Fourteen penny Groat for ſeven of them, *Jam. 3. par. 13. Cap. 97.*

That Gold or Silver Money of Good metal, and juſt weight paſs, and be received, albeit with Crack and Flaw, or ſolded, *Jam. 4. Par. 2. cap. 17.* Ratified under the pain, to the Refuſer, of loſeing the value, *Jam. 4. Par. 3. cap. 37. Par. 4. cap. 40. and Par. 6. cap. 97.* And that falſe Money be clipped and broken by the Kings Officers, and ſo delivered back to the Owners, *Ibid. Jam. 4. par. 4. cap. 40.*

That the King appoint an expert man Maſter of the Money, for ſoliſting the Acts made anent Money and Bullion, *Jam. 4. Par. 5. cap. 55.*

That nothing be taken for wiſſelling of Gold under the pain of oppreſſion: And that no man wrong Gold of its weight, under the pain of falſeing of Money, *Jam. 5. Par. 7. cap. 99.*

Ratification of all Acts againſt the Home-bringers of falſe Coinzie, or Forgers thereof within the Realin, And the revealer ordained to have the half of the Eſchear of the Contraveeners Lands and Goods, *Q. M. Par. 9. cap. 70.*

That the King may cauſe Coinzie Gold and Silver at ſuch fineneſs as other Countries do, and that no Layed Money be Coinzied, without conſent of Parliament, *Jam. 6. Par. 1. cap. 17.*

That in every Burgh, able men be appointed by the Magiſtrates to ſee all Money told, and to clip falſe Money, and the payer to loſe it, and the Receiver to pay the Clipper a penny per pound, *Ibid. cap. 19.*

Act anent the change of Coinzie then made, wherein the quantity of the Coinzie then ſtruck is ſaid to extend to Two Hundred and Eleven Stone and Ten Pound weight of Silver: And the new Coinzie is appointed to be of Ele-

ven pennie Fine, at Fourty *shillings* the Ounce, *Jam: 6, Par: 7, cap. 106, Anna 1581.*

Act Ratifying all former Acts against the raisers of the price of Money, to the transporters thereof, And ordain- ing the Ounce of Silver Coinzied at Eleven penny fine, to stand at Fifty *Shillings*, and the Ounce of Gold of Twenty two Carrats fine to stand at Thirty Pounds, and all Forreign Coinzie of Gold or Silver, is discharged to have course, *Jam: 6, Par: 15, cap: 249.*

That old Fourteen shilling peices weighing Two drops, and Twenty Seven Grains, and their halfe proportionally, pass in all payments, and if under that they pass at the rate of Three *libs.* Four *shilling* per Ounce, or Four *shil- ling* per drop, And that under the pain of double to the refuser, to be summarly Exacted, *W. Par: 1, Sess: 6, cap: 38.*

Moveables.

That Moveables falling to a nearest of Kin, lying out, may be affected by the Creditors for his Debt, by requir- ing the Fiscal to confirm, and assign under the pain of be- ing lyable for the Debt or obtaining themselves decerned Executors to the Defunct as if they were his Creditors, But with preference alwayes to the Defuncts own Creditors, *Item*, A party having a Claim or cause against a Defunct, may charge the Defuncts nearest of Kin to confirm within 20 Dayes, In which case he must either renounce or be lyable as a vitious Intrometer, and if he renounce, then Decree is to pass against the Moveable *hereditas jacens*, to be a ground of an Executory dative in the common form, *W. Par. 1, Sess: 5, cap: 41.*

Mumm-Beer.

Mumm-Beer Licenced to be imported, and that it be lyable, each Barrel, not exceeding Twelve Gallons, in Thirty *Shillings* of Custom, and as much for Excise, *Cba. 2, Par: 2, Sess: 4, cap: 2.*

Muir-Burn.

That no man make Muir-Burn after the first of March, till all the Corns be thorn, under the pain of Fourty *shil- lings* to the Lord of the Land of the Burner, or if he have it not, Fourty Dayes Imprisonment, And if the Lord ne- glect, then this to be a point of Dictay, *Jam. 1, par. 1, Cap. 20.*

That no Muir-burn be made frae the first of March, till Michaelmas, under the pain of Five Pound, *Jam: 3, Par. 30, Cap. 75.*

That the Commander of Muir-burn be made to pay Fourty shilling to the King, beside the pain of the maker, *Jam. 4, Par. 4, Cap. 48.*

That the unlaw of Muir-burn be Five Pound, *Jam. 4, par. 6, Cap. 71.*

The pain augmented, and that for the first time it be Five Pounds, for the second Ten, and for the Third Twenty Pounds, and so forth for each time Twenty Pounds *Jam. 5. Par. 4, Cap. 11. Ratified, Jam. 6, Par. 6, cap. 84. The Act is, Against the Destroyers of planting baining and policy.*

Murther, *see* Treason.

If any Woman conceal her being with Child during the whole space, and call not for, and make use of help in the Birth, the Child being found dead or amissing, the Mother shall be repute, proccessed and condemned, as the Murtherer, *W, and M, Par, 1, Sess, 2, cap, 21.*

Musick.

That the Younh be Instructed in Musick, and that Magistrats of Burghs, and Patrons, and Provosts of Colledges, where Song Schools are Founded, set up Schools with Masters, as they will Answer on the Peril of their Foundations. *Jam. 6, par. 6, cap. 98.*

Musters, *see* Forces.

Mutilation, *see* Dement- bration.

Mutilation reckoned with Slaughter, and Fire-raising *Jam. 5, Par. 7, cap. 118. The Act is, Against Burning of Corns &c. and Jam. 6, par. 6, cap, 76. The Act is, For remeod of the Fraud and Disorder used by Officers &c.*

N.

Naturalization.

ACT Naturalizing all Frenchmen. *2. M. par. 8, Cap. 65. See it in France.*

Act Naturalizing all Strangers of the Protestant Religion who having Estates, shall bring the same, and come and dwell in this Kingdom, or who shall set up new Works and

and Manufacturies, and come and Settle therein, promising them upon Petition to his Majesty, the Free Exercise of their Religion in their own Language, providing always, that the Benefit of this Act, be Granted and Applied at the Councils sight. *Cha. 2, par. 2, Sess. 1, cap. 7.*

Navigation.

Act for the Encouragement of Shipping and Navigation, ordaining all Goods to be Imported, after a Day yet blank in the Act, from the Original and proper Places, whence they are in use first to be Transported, and in Scots Ships, or in Ships belonging to these Places, under the pain of Confiscation of Ship and Goods; That all Goods Shipped as said is, not Imported by Ships of this Countrey, be lyable in double Custom. That all Goods belonging to Aliens, in whatsoever Vessels Imported or Exported; As also all Goods whatsoever Exported in Forreign Vessels, be lyable to double Customs, That Scots Ships be Navigated only by a Scots Master, and at least Three parts *Scotsmen*, and the Act contains an Order for Verifying a Ship, to be a Scots Ship, and getting Certificat thereupon, And that no Customer allow the Benefit of a Scots Skipper to any Ship, until the same be so Verified, under the pain of Deprivation: But this Act Extends not to Import from *Asia, Africa, or America*, or from *Musco and Italy*, until it shall be so declared by Act of Parliament, Privy Council, or Council of Trade, nor to Import of *Coras*, from any place in any Ship in time of Dearth, declared to be such by Act of Council. *Cha. 2, par. 1, Sess. 1, cap. 44.*

Notars.

That Notars in time coming, be made by the King and not by the Emperour, and that Notars so made, be examined by their Ordinaries the Bishops, and have their Certificats. *Jam. 3, par. 5, cap. 31.*

That the Bishops and Ordinaries, Examine all Notars, and punish the Insufficient, and send the Sufficient to the King, to be made Regal. *Jam. 4, Par. 6, cap. 64.*

That the Sheriffs Examine all Notars Laicks, and the Ordinaries all Notars Spiritual within their Bounds, and cause them Bbok their Signes, and admit them by an Act, otherways their Instruments to make no Faith. *Jam. 5, Par. 6, cap. 76.*

That all Interior Judges present their Clerks and Notars to the Lords to be Examined, without prejudice to the

the saids Judges, to change as oft as they please. *Ibid.*
cap. 78.

That all Instruments be taken in the Hands of the Notary of the Court, and if the Party will have another Notary, that the other pass within the Bar, and Instruments be taken in both their Hands, and that the Two Notars be Witnesses to others, otherways the Instruments to make no Faich: That the Notar of Court refuse Instruments to be done, unless the pain of Deprivation, and to be punished in his Person and Goods. *Jam. 5, par. 6, cap. 81.*

Addition to the foresaid Act, *Jam. 5, par. 6, cap. 78.*
And that all Notars be sent in to the Lords of Session, before a certain Day, to be by them Admitted; And any not Admitted, use the Office of Notary, that their Instruments make no Faich, and themselves be punished as offenders, *2. M. par. 5. cap. 24.*

That the Lords of Session, may Charge Notars to Compear as said is, bringing with them their Protocols, not to be Seen or Read, but delivered back without Inspection. That all Notars be Admitted by the Lords, and that they Design in their Instruments, the Witnesses they require, by their Dwelling, or some evident Token, (See Witnesses) That False Notars, and Notars not Admitted as said is, and the Causers of their Fallhoods, be punished by Forfeiture of Moveables, Cutting off their Right Hands, and Banishment; And further by the Tinsel of their Life, if the cause so require, at the Discretion of the Judge. *2. M. par. 6, cap. 43.*

The Day appointed for Commenceing of this last Act, Prorogate to the first of March 156³ and the Act henceforth Ratified. *2. M. par. 9, cap. 78.*

That all Notars be made by the Queens Letters, and thereafter Examined and Admitted by the Lords of Session, who should take their Oaths, and Register their Right Signes, and who does in the contrary, in making Notars, or using the Office, to be punished by Death, and their Instruments to be Null. *Ibid. cap. 79.*

Act Suspending the Admission of any more Notars for Five Years, and that none be Admitted thereafter, but such as understand Congrous Latine, and have Served a Lord of the Session, Writer, or Clerk, the space of Seven Years, and shall Report their Testimonials thereof to the Lords of Session, who by themselves, or some of the Clerks to the Signet, shall take full proof of them, by Forming some Evident. That the Bands and Acts of Cautioners for Notars be extended to their Heirs, and that the Cautioner be obliged

obliged in time coming, that their Protocols within Fifteen Days after their Decease, shall be brought in to the Clerk Register, or his Deputy, upon Satisfaction to be made to his Relict, Bairns, or Executors therefore, at sight of the Lords of Session, and the saids Protocols to be made furthcoming thereafter to all concerned, on their reasonable Expences. *Jam. 6, Par. 11, cap. 45.*

But the last part, anent Satisfaction for Protocols Corrected, and all Havers of Protocols of Notars, after their Decease, ordained to bring in the same to the Clerk of Register, under the pain of an Hundred Pound: And if the Relict and Children bring them in, then the Clerk Register is to make a note of their Names, to the effect they may be called when Transumps are Pursued for, and receive Satisfaction from the Party at the Lords sight, but this Act extends not to Protocols of the Clerks of Free Burghs, which their Relict and Children are holden to deliver to the Magistrats of the same, to remain in their Register, and to be made furthcoming as Accords. *Jam. 6, Par. 22, cap. 23.*

Nullity.

That all Nullities be received by way of Exception or Reply, and that all Writs, or Things Null of the Law, be declared so by way of Exception or Reply in the same instance, allowing always such time to call Warrant, as if the Nullity had been Pursued by way of Action. *Q. M. Par. 6, cap. 42.*

O.

Oblivion, *see* Indemnity.

ACT of Oblivion. *Q. M. Par. 9, cap. 67.*

General Act of Oblivion, containing several Exceptions. *Ebs. 2, Par. 1, Sess. 2, cap. 10.*

Office.

That na Office in time coming be given in Fee and Heretage, and that the Offices given since the Decease of King James the first be Annulled, except the Wardanry of the Marches. *Jam. 2, Par. 11, cap. 44.*

That such as refuse to accept of Offices or Employments laid on them by the King or Council, be Fineable by the Council. *Jam. 7, Par. 1, cap. 11.*

But this Act Rescinded. *W. and M. Par. 1, Sess. 2, cap. 21.*

Officers

Officers, *see* Judges.

Officers of Arms, *see* Messengers.

Officers of the Crown.

Ordinary Officers of the Crown reckoned, the Treasurer, Secretary, Collector, the Justice-Clerk, Advocate, Master of Requests, Register, Director of the Chancellery, and Director of the Rolls. *Jam. 6, Par. 12, Cap. 31.* The Act is, *The Kings Revocation from which their Fees, and Pensions are Excepted.*

Oppression.

It is declared to be Oppression, to Exact any thing for the Discharge of Publick Dues. *W. and M. Par. 2, Sess. 4, cap. 3.* and so in other Acts anent the Excise.

Orchyards.

Breaking of Orchyards a point of Dittay. *Jam. 1, Par. 2, Cap. 33.* See it in *Thefts*, and the Acts there following.

Planting of Orchyards, *see* Planting.

Ordination.

That none presume to Ordain Ministers, but such as are Authorized thereto by Law, and that none take Ordination from any other, declaring all Ordinations since the Year 1661 or hereafter, otherways made to be Null, and the Persons Ordained to be no Ministers; And that both the pretended Ordainers, and Ordained, be Seized by the Ordinary Magistrates, and presented to the Council, who are Impowered to punish them, by Confiscation, Banishment, or perpetual Imprisonment, unless released by warrant under his Majesties hand. *Cha. 2, Par. 2, Sess. 3, cap. 9.*

Orkney, and Zetland.

Orkney and Zetland Annexed to the Crown. Cha. 2, par. 2, Sess. 1, Cap. 13. See it in *Annexation.*

That

That all Summonds and Charges against the Inhabitants of *Orkney and Zetland*, be Executed on Forty Days, Excepting Charges and Executions on consent. *Jam. 7, par. 1, Cap. 43. See Kirk-lands.*

Oath.

The Oath that the Conservator should require of all Merchants and Skippers. *Jam. 6, Par. 15, Cap. 257. See it in Confe vator.*

Oaths of Minors Discharged. *Cha. 2, par. 3, cap. 19. See it in Minors*

Oath of Alledgance, and Subscription to the Prerogative.

That all Officers of State, Members of Privy Council, Session, or Exchequer, Justice General, Admiral, Sheriffs, Commissaries, and their Deputes, Clerks, and all Magistrates and Council of Burghs, shall at their Admission to their Offices, and before they Exercise the same, take and Swear, the Oath of Alledgance; and also assert under their hand, his Majesties Prerogative, in manner set down in the Act; As also, that all Persons required by the Privy Council, or any having Power from them, shall be obliged to Swear the said Oath, Certifying that who refuses the said Oath, shall not only be incapable of Publick Trust, but also looked upon as disaffected to his Majesties Government; and such as shall refuse to assert the Prerogative, shall from thence furth be Uncapable of Publick Trust. *Cha. 2, Par. 1, Sess. 1, cap. 11.*

How the Oath of Alledgance is to be Administrat to, and taken by Members of Parliament, *See Cha. 2, par. 1, Sess. 1, cap. 1. in Parliament.*

That all take and Swear the Oath of Alledgance, and Assert the Prerogative when ever required by the Privy Council, Justice Court, or any Commissionat by them, under such pains as they shall determine, Life and Limb excepted. *Jam. 7, Par. 1, cap. 17.* But all these Acts for taking the Oath of Alledgance, and Asserting the Prerogative, Discharged and Innovat by the Claim of Right in the 13 Act of the Convention 1689. And this Act particularly Rescinded by the Act. *W. and M. Par. 1, Sess. 2, Cap. 28.*

The Oath of Alledgance. *viz. I A. B. Do sincerely Promise and Swear, That I will be Faithful, and bear true Alledgance to their Majesties, So help me GOD, Ordained to be taken by all Members and Clerks of Parliament,*

ment, and all in Publick Trust, Civil or Military, Rescinding all other Oaths of Allegdgence or Supremacy, Declarations and Tests. *W. and M. Par. 1, cap. 2.*

That all Electors of Commissioners to Parliaments or Conventions, Do at their meeting, and before they Proceed, Take and Subscribe the Oath of Allegdgence, otherways they may be Excluded, or if they presume to stay, their Vote not to be reckoned, and they Fined in the Sum of 1000. pounds Scots. *W. and M. Par. 1, Sess. 2, cap. 4.*

That Commissioners of Supply and their Clerks and Collectors, take the Oath of Allegdgence. *W. and M. par. 1, Sess. 2, cap. 7.* and that the Commissioners Named for the Supply then given, take it betwixt and the first of August 1690 or be debarred. *cap. 8, Ibid. Item,* The Privy Council Impowered to put the Oath of Allegdgence to all suspect Persons. *W. and M. Par. Sess. 2, cap. 14. See Council.*

Act for taking the Oath of Allegdgence, and Subscribing the same with the Assurance both subjoined to the Act, And the Act is very Full and Particular, as to the Persons thereto lyable, and manner of Taking. *Item,* That none be allowed to keep any Horse above an Hundred Merks, or Arms more than a walking Sword, unless they Swear the Oath of Allegdgence, and Subscribe the same with the Assurance, under the pain of 1000 Merks, but the General power given to the Council, to put all to Qualify themselves as they should think fit, limited till the next Session of Parliament. *W. and M. par. 1, Sess. 4, cap. 6.* But the Dyet for Ministers Taking Prorogat. *cap. 37, Ibid.*

Over-Lord, *see* Superiour.

Oxen, *see* Horse.

P.

Packing, *and* Peiling, *see* Burghs.

Packet.

THe Robbing or Sealing the Mail or Packet of Letters, going

going or coming by the Common Post, declared to be Robbery, and punishable by Death, and Confiscation. *W. and M. Par. 1, Sess. 2, cap. 3.*

Pains, and Penal-Statutes.

That Pecunial Pains be taken up in Gold and Silver, at the Avail of the Money when the Acts were made, or also Augmented in the Money now Current, and so of Compositions. *Jam. 6, Par. 11, cap. 70.*

That the Lords of Session, grant no Suspensions of Unlaws of Liquid Sums, Charged for by the Thesaurer, without Confignation or good Soveryty. *Jam. 6, Par. 12, cap. 126.* The Act is, *The Names of Rebels should be delivered to the Thesaurer &c.*

The Pains of Lawborrows, not Reporting of Letters to the Justice Clerk, and not Compearance before the Justice after Soveryty found, for Earl, or Lord, Two Thousand Pounds, Great Baron, a Thousand Pounds, Free-holder a Thousand Merks, a Gentleman Unlanded Two Hundred Merks, a Yeoman a Hundred Merks, each Person Summoned on Assise before the Justices, an Hundred Merks, and for each Person Arrested, and not Compear - and the first Justice-Air Twenty Pounds. *Jam. 6, par. 13, cap. 166.*

That all Pecunial Pains, and Unlaws contained in the Laws of the Realm, before the first of March 1542, be Augmented Ten Fold, That is one Shilling, or one Pounds, to Ten Shillings, or Ten Pounds, and so forth. *Jam. 6, par. 13, cap. 267.*

Pardon of Penal Statutes for bygonen. *Jam. 6, par. 21, cap. 9. Anno 1612, the like Jam. 6, par. 23, cap. 23. the like Cha. 1, Par. 1, cap. 27. the like Cha. 2, Par. 1, Sess. 1, cap. 27. and the like Cha. 2, Par. 1, Sess. 3, Cap. 29.* Most of these Acts contains a few Exceptions of certain Crimes.

Papists, see Mass, and Religion.

That all suspect to be Papists, be warned by the Bishops, and Ministers, to Recant and give Confession of their Faith, according to the approved Form, under the pain of Excommunication. And if they Failzy, that they be Excommunicat, that a Roll be made, and Primed, of the Persons Obstinar, or Relapse, who shall be Infamous, and Incapable to sit, or stand in Judgement, *Par. 12, cap. 126.*

swear, or bear Office, or to be witness or Assisours against these of the true Religion, neither can they make Deputes, nor grant Procurations, and an Exception being hereupon proponed, and verified, by the said Roll, if repelled, and Instruments thereon taken, shall be an sufficient ground of Suspension. *Jam. 6, Par. 3, cap. 45.*

That none use Superstitious, Papistical Rites. *Jam, 6, par. 7, cap. 104. See it in Pilgrimages.*

Papists required by Presbyteries to satisfy the Kirk, and not Compearand or Refuseand, should be Charged to produce the Presbyteries Testimonial, by the Privy Council, and in case of Failzy Denounced, whereby their Escheat, simple and Liferent Vaicks, and who thereafter Refers, Incurr the same pain, and the Presbytry, or any Minister thereof Negligent, Times the half of his Stipend for that Year. *Jam. 6, Par, 14, cap. 197.*

That Papists be presented, that they may be Prosecute according to Law, and that Children under Popish Parent, Tutors, or Curators, be taken from them, and committed to the Education of some well Affected, and Religious Friend, at the sight, and by the Order of the Privy Council. *Cba. 2, par, 1, Sess. 1, cap. 8.*

That no Papist make any Gratuitous Disposition or Deed, in prejudice of their Appeareand Heirs, Declaring such Disposition or Deed Null; And that it be Judged Gratuitous, unless the Granter, Writer and Witness, declare upon Oath, and qualify satisfyingly before the Judge of the Bounds, that, it was Granted for an Onerous Adequat Cause. *W. and M. Par. 1, Sess. 5, Cap. 26.*

That whoever perverts a Protestant Subject to Popery, shall be proceeded against as a Traffiqueing Papist, That a Protestant Servant turning Papist in a Popish Family, be punished as an Apostat, and the Master when required, Obliged to put the Servant away, never more to be received by him, or any other Popish Master, under pain of 100 Pounds, And that Popish Masters allow their Protestant Servants due Liberty, to Attend Worship, and Catechizing, under the said pain, and that these Servants use the same, under pain of being Banished the Parish. *Sess. 2, Cap. 28.*

Act Ratifying the Acts following. viz. *Jam, 6, Par. 6, Cap. 71. Par, 7, cap. 104. Ibid. W. and M. Par. 1, Sess. 5, Cap. 26.* With all other Laws made against Popery and Papists, especially these against Jesuites, Priests, and Traffiqueing Papists, and all Sayers and Hearers of Mass, and Concealers of the same. *Item, Whoever Seizes any Priest, Jesuit or Traffiqueing Papist, or their Re-*

sters, upon Certificat of the Conviction of the Person Seated by the Judge, shall have Five Hundred *Merks*, for his Reward from the Thesaurry, for which the Receiver General may be Pursued before the Lords of Session. *Item*, If it be proven, that the said Priest, Jesuit, or Trafficking Papist, was held and Repute such, or that he changed his Name, or goes under another Name, and shall refuse the *Formula* of Purgation, subjoined to the Act, it shall be sufficient Ground for the Council to Banish him, never to Return a Papist, under pain of Death, to be inflicted by the Lords of Justiciary, as in the Act. *Item*, If any Person be found in any Meeting, where there is either Altar, Mass Book, or other Instruments, of Popish Superstition, and shall refuse to Purge as above, it shall be sufficient Ground to the Council to Banish, under any Certification they shall think fit, even to that of Death inclusive, and whosoever Discovers and Seases, the said Banished Priest &c. after his Return, shall have the foresaid Reward of 500 *Merks* as above, and this without prejudice of former Laws. *Item*, the Act Ch. 2, Par 1, Cap. 1. Anno 1661. Ratified, And any Protestant Relation, or his Majesties Advocat or Solicitor, may pursue for the Exhibition and Education of Children, in the keeping of Papists; And the Lords of Council, or Lords of Session, are Impowered to Modify an Aliment out of the Childrens or their Parents Meins: And it is Recommended to Presbyteries, to Inform in this matter. *Item*, No Papist Prosest, or not Purging, can receive any Voluntary Deed or Disposition, made to them of any Lands, or Real Rights, or Tacks of Lands, or Teinds, but the same are declared Null, and to remain with the Granter and no Action for Warrandice or Repetition of the Price. *Item*, No Papist past the Age of 15 Years, can Succeed either as Heir, or by other Conveyance, from the Person to whom he may be Heir, until he Purge himself of Popery as above, and if being Educat in the Popish Religion, he Succeed as above, before the said Age, then he shall be obliged to Purge before he Attain the same; And the Person so Succeeding, failing in either of these Cases, devolves to the next Protestant Heir, who is to be Served as such to the Defunct, and to have Right to the Estate and Rents, from the said Irritancy, ay and while the Person Excluded, or his Heir Purge himself as above, in which Case, he is to be Reponed, as before the Exclusion; the intervening Rents, with the Burden of the Current Annual-rent of Debts, remaining with the Protestant Successor, but this Exclusion to be without Prejudice of Creditors be-

before the Exclusion. *Item*, No Papist may Grant any Gratuitous Deed, in prejudice of his Heir, but the same is declared Null, save as to the Affecting the Granter's Person and Moveables. *Item*, The Protestant on whom the Succession Devolves by the said Exclusion, must prosecute his Right within Two Years, else it falls to the next and so forth. *Item*, The Papist and his Heir, must Renounce Popery within Ten Years, after the said Irrigancy, (Minority not reckoned) or is to be Excluded forever and the Estate thus Devolving, Devolves with all its Lawful Conditions and Burdens. *Item*, No Voluntary Right by a Papist in Favours of his Apparent Heir, also a Papist, shall be of Force, tho Prior to this Act, 23 November 1700, unless Cled with Infeoffment, or Possession, or produced in Judgement of before. *Item*, All Dispositions or Deeds, in Favours of Cloysters, or other Popish Societies, are declared Void, and so Accresce to the next Protestant Relation to the Granter. *Item*, No Adjudication is to Expire in the Person of a Papist, but coming in the Person of a Protestant, the Legal being run, it Expires within Year and Day thereafter, and no Adjudication or Real Diligence, is competent to a Papist, upon any Gratuitous Bond or Deed. *Item*, That the Formula of Purgation, be taken before the Council, or before the Presbytry, and Reported within Fourty Days to the Council. *Item*, A Protestant Apostasizing to Popery, by Profession or Practice, Forfeits his Estate immediately to his next Heir being Protestant, as if he were Dead; And this next Heir if in Pupilarity, is to be reckoned Protestant, if his Education be such, or if it be Popish, he is Excluded until he Purge as above. *Item*, That no suspected Papist be Capable of any Trust, of the Persons or Affairs of Minors; And that none imploy them in such Trusts, until they Purge as above, under the pain of a Years Valued Rent, or a Thousand Merks, if the Valued Rent be less, or the Employer no Heretor, Antient gentles, and such Commissions, Tutories or Curatories, are declared Void. *Item*, No suspected Papist, may Teach any Science, Art, or Exercise in Families, or outwardly, nor may a Protestant have a Popish Domestick Servant, under the pain of 500 Merks; And these pains may be pursued by any Protestant, and upon Conviction, he is to have the same for Reward. *W. Par. 1, Sess. 2, cap. 3.* See the Formula after the Act.

Parents.

That what Son or Daughter, above the Age of Sixteen Years, not being Distracted, shall Beat or Curse Father or Mother, shall be put to Death without Mercy, and if they be under Sixteen, but past Pupilarity, that they be punished at the Judges Arbitrement. *Cha. 2, Par. 1, Sess. 1, cap. 20.*

Parricide.

Who Slays his Father or Mother, Godshir, or God-dame, he and all his Posterity, shall *in Linea vestra* be Discharged from their Heretages for ever, and the next Colateral, shall Succeed therein. *Jam. 6, Par. 14, cap. 220.*

Parks, see Forrests.

The Priviledges of the Kings Parks. See *Jam. 6, Par. 14, Cap. 210. in King.*

Parliament.

That Breakers of Acts of Parliament be punished as they Ordain. *Jam. 1, Par. 2, cap. 29.*

That all Prelats, Earls, Barons, and Free-holders, seeing they are holden to give Presence in Parliaments, and General Councils, from thenceforth, compare in Person, and not by a Procurator, unless the Procurator Alledge a Lawful Cause of Absence. *Jam. 1, Par. 3, cap. 52.*

That the Acts of this, and the Two Preceeding Parliaments, be Registrat, and Extracts given to the Sheriffs who are to Publish them, and also to give Extracts to Prelats, Barons, and Burrows, on the Demanders Expences, under pain of Deprivation. *Jam. 1, Par. 3, Cap. 67.*

That Sheriffs, Commissioners of Burrows, and Barons, get Copies of the Acts of Parliament, and gar Proclaim them, and the King is prayed to be diligent to Execute them. *Jam. 2, Par. 14. cap. 89.*

That the Clerk Register, cause Imprint such Acts of Parliament as concern the Common Wealth, and that he chuse the Printer, providing the said Printer have also the Kings Licence, and that none Unlicenced presume to Print them, for Six Years, under the pain of Confiscation of the Books. *Jam. 5, Par. 7, cap. 127.*

That the Acts of Parliament be imprinted, *Jam. 6, Par. 1, Cap. 54, The Act relates to this Parliament only, and the*

the Act made by *Jam. 5. Anent raising Fire and Burning* Par. 3, cap. 8.

That the Laws of *Regiam Majestatem*, and other Laws be imprinted by the then Clerk-Register, *Shene. Jam. 6, Par. 19, the 31, Of the Unprinted Acts.*

The old unlaw of unexcused absence from the Parliament Ten Pounds, *Jam. 1, in the Titles of the Parliament 6, 7; and 8.*

That all to be chosen in any Parliament hereafter for deciding of Causes and Complaints, Swear to do the same Faithfully and Lawfully, according to their skill, *Jam. 1, Par. 6, cap. 83.*

Small Burrows, or Free-Holders, need not come to Parliaments, or General Councils, but of each Shire there may be sent two or more, as it is of largeness, out-cane *Glackmannan* and *Kinroys* (of either of which an) chosen at the head Court, And these Commissioners shall chuse an Wise man to be the Common-speaker of the Parliament, to propone all needs and Causes pertaining to the Commons, and thir Commissioners shall have power of the rest, under the Sheriffs Seal, and the Seal of diverse Barons, to hear, treat, and finally determine, all Causes proponed in Council, or Parliament, and shall have costage of their constituents, and their Rents, each Pound anothers fellow, all Bishops, Abbots, priors, Dukes, Earles, Lords of Parliament, and Barrenets, which the King will have Summoned by his special Precept (here the Act stops imperfectly) but I think it want the Words (are excepted) *Jam; 1, Par. 7, cap. 102.*

That no Free-holder, holding under Twenty Pounds, be constrained to come to Parliament, or General Council, as to presence, unless he be a Baron or specially warned by Writ, *Jam. 2, Par. 44, cap. 75.*

That no Free-holder, within an Hundred Merks of the extent that now is, be compelled to come personally to Parliament, if he send his Procurator for him, unless he be specially called by the Kings Writ, but all above this extent should come, *Jam. 4, Par. 6, Cap. 78. Anno 1503.*

Act raising the Act, *Jam. 1, Par. 6, cap. 101. (above)* about the Commissioners of small Barons to have Vote in Parliament, ordaining them to be Elected yearly by the Free-holders (which by the Preface of the Act should be under the degree of Lords of Parliament having a Forty shilling Land, and actually residing within the Shire) at the first head Court, after *Michaelmas*, or when the saide Free-holders please, or the Kings shall require them, and that their names be notified by the Commis-

gers

ners of the preceeding year to the Director of the Chancery, to the effect they may be warned by Precepts to Parliaments, or general Conventions, as the other Estates; That the Free-holders be Taxed and Charged for the Expences of their Commissioners, and that they having Commissions Sealed, and Subscribed by Six at least, of the Barons, and Free-holders, shall be equal in number, with the Burrows, upon the Articles, and have Vote in Parliament; And his Majesties Missive shall be direct to certain of them before Parliaments, as to the Burrows, and that Letters be direct yearly by the Lords of Session at the instance of the Commissioners, for convening and taxing the Free-holders for their Expence, *Jam. 6, Par. 11, cap. 213.*

That these Commissioners be not admitted, unless they bring sufficient Commissions granted to them, in a full Convention of the Barons of the Shire, subscribed by a great number of the Barons present, and by the Clerk of the Convention; And the Clerk-Register is discharged to receive any Commission not in due form, *Jam. 6, Par. 15, cap. 276.*

Act for clearing Elections from Shires, that beside such as hold a Fourty *Shilling* Land of the King *in capite*, all Heretors, Liferenters and Woodfenters holding of the King, and others who hold (formerly of Bishops (the Bishops were not this time restored) and Abbots and now hold of the King, having yearly Ten Chalders of Victual, or 20 Thousand Pounds (Fow-Duties deduced) shall be, and are capable to Elect, and be Elected to Parliaments, Noble-men and their Vassals excepted, that every such Commissioner have Five Pounds *per diem*, including the first and last days of the Parliament, and Eight days for coming, and as many for going from, and to the farthest Shires of *Cairnburg* and *Sutherland*, and proportionally at nearer distance, and that the whole Free-holders, Heretors, and Liferenters holding off the King or Prince bear the said burden, excepting Noble-men, and their Vassals, And that upon an Attestation under the Clerk Registers hand of the days of the Parliament, this allowance be raised as the Excise, by Horning, pointing and quartering, that the said Commissioners be in like manner relieved, and payed of the prices of the Foot-Mantles, the Foot-mantles being made furthcoming to the Shire at the rising of the Parliament, *Cha. 2, Par. 1, Sess. 1, Cap. 35.*

Act concerning the Election for Shires to Parliaments or Conventions, Declaring such only capable to vote, and Elect, who have a Property or Superiority, and are in Possession

Session of a Fourty Shilling Land of old extent, holden of the King or Prince, or where the extent appears not, then Lands worth Four Hundred Pounds of valued Rent, whether Kirk-Lands or other holden of his Majesty, as King or Prince; And also clearly determining all other Questions who have right to Vote, and who not, and how the Rolls of the Free-holders should be made, the Meetings proceed and objections be proponed, and discussed, that all Heretors, Liferenters and Wodsetters within each Shire, contribute to the Commissioners Charges and Foot-Mantles, according to their Valuations, except Vassals of Noble-men or Bishops, or Lands holden Burgage, *Car. 2, Par. 3, Cap. 21.*

That no Man Interpret the Kings Statutes, otherways then they bear, and to the intent as the maker understood them, under the pain to be punished at the Kings will, *Jam. 1, Par. 7, cap. 108.*

The manner of Arrayments for the Parliament, and for Fore-speakers for the cost, that speak for meed, and that each Burgh where the Parliament sits, make Seidges for their sitting under the pain of Ten Pounds, *Jam. 2, Par. 14, cap. 68. See Apparel.*

Parliaments needs not be continued from day to day, but continue of themselves, ay and while they be dissolved by the King, *Jam. 3, Par. 5. Cap. 39.*

The Free-Tenants of the principality, give suit, and presence in Parliament, ay and while the King have a Son, and the Prince be born, *Jam. 4, Par. 2, cap. 16.*

Act annulling all Acts of Parliament already made contrary to Gods Word, *Jam. 6, Par. 1, Cap. 3.*

That the Proclamation of the Acts of Parliament at the Mercat-Cross of Edinburgh, be sufficient publication to all the Leidges, who are declared to be astricted to the obedience of the said Acts, Fourty days after the said Publication, *Jam. 6, par. 7, Cap. 128,*

That none impugn the Dignity and Authority of the Three Estates of Parliament, or seek to procure the innovation or diminution of the Power and Authority of the same three Estates, or any of them, under the pain of Treason, *Jam. 6, par. 8, cap. 130.*

That no person take upon him the place of more of the Estates of Parliament then one, To wit, that wherein he professes himself to live, and whereof he takes his stile, *Jam. 6, Par. 11, cap. 33.*

The unlaw of absents from the Parliament not excused by the Lords of the Articles, of the Earl, Three Hundred Pounds, of the Lord Two Hundred Pounds, of the Prelate,

Prelate, an Hundred *Pounds*, and of every Burgh, an Hundred *Marks*, and that who rides not be repute absent, and that Letters be hereupon directed, *Ibid. cap. 34.*

Ratified, and the unlaw of absence for a Commissioner of Barons, ordained to be an Hundred *Pounds*, and that no excuse be admitted, except arrested by his Majesty, or his Commissioner, or in their absence by the Lord Chancellor and Council, and the Certificat judicially produced the first day of the Parliament, that any Lord of Parliament so excused, may give his power to another of the same state, who shall be admitted to Reason and Vote for him, *Jem. 6, Par. 22, cap. 7.*

Heralds, Macers, or Trumpeters absent from the Parliament, or present, and not doing Duty, Tine a years Fee for the first Fault, and for the second may be deprived, *Ja. 6, Par. 11, cap. 35.*

That each state wear the Apparel to be appointed by the King, under the pain of Two Hundred *pounds* and to be debarred forth of the Parliament, *Ibid. cap. 36.*

That the number of the Lords of Articles be equal in each state, and the fewest of each state Six, and the most Ten, *Ibid. Cap. 37.*

That all persons accused for Treason or other Crimes, may have their Advocats, who may freely plead for them, annulling all Acts in the contrary, *Ibid. cap. 38.*

Decisions in Parliament upon Cognicion of the cause, may not be called in Question by any Inferiour Judge, *Ibid. cap. 39.*

That the above written order of Parliament be Inviolably observed, and the King promises to do nothing directly or indirectly in prejudice of Free-voting, and Reasoning therein, *Ibid. cap. 40.*

That there be no Quarrel or Trouble made in Parliament for priority of place, otherwayes then by supplication, and that all content themselves with the direction of his Highness and the Estates, under the pain of being punished by the King, and the Lords of the Articles as disturbers of the peace, *Ibid, cap. 41.*

That no Ratification be past in Parliament upon simple Articles of Parties, but that the matter be first passed by Inseiment upon composition payed to the Thesaurer, *Ibid. cap. 78.* The Act is, *Anent the bearing of the Thesaurers Accounts, &c.* And that any such Ratification past be not Booked without a Certificat, that the Thesaurer is satisfied, and that otherwayes the same be null, And that Ratifications of particular Rights in this Parliament pre-

judge

judge not the Rights of others, *Jam. 6, Par. 12, cap. 132*.
The like Act *Salvo*, as to Ratifications and other Acts
in favours of particular persons, whereunto others were
not called, *Jam. 6, Par. 14, cap. 215, Par. 21 cap. 11, Par.*
22, cap. 23, and Par. 23, cap. 33.

To strike, hurt, or slay any person in the Parliament
House, during the holding thereof, is Treason, *Jam. 6, Par.*
13, cap. 173.

That when the Parliament is proclaimed, four of each
state be appointed to meet Twenty Days before the sitting
thereof, to receive, all manner of Articles and Supplicati-
ons concerning General Laws, or particular parties, which
are to be delivered to the Clerk Register, and by him pre-
sented to the saids persons of the Estates, that they may re-
ject what is frivolous and improper and present things rea-
sonable formally in a Book to the Lords of the Articles,
and that no Article or Supplication wanting a Title, or
unsubscribed be Read or Answered, Reserving to the King
to propose Articles at all times concerning himself, or the
Common-wealth, *Jam. 5, Par. 14, cap. 218*.

Act *Salvo Jure*, Declaring that no privat Act pass in
that Parliament shall prejudice his Majesty, as to the Acts
of Revocation anent the Superiorities of Erections, anent
Regalities of Erections, and anent his Majestys Annexed
Property, nor any other third party of their lawful Rights
and Defences, but the parties are to be judged according to
the Rights standing in their persons, before the making of
the saids particular Acts; And this is declared to be the
true meaning of all Acts *Salvo Jure*, There are some Ex-
ceptions made in this Act, *Car. 1, Par. 1, cap. 31*.

That the Lord Chancellour for the time, or in his ab-
sence, he who shall be nominate by the King, hath Right
to preside in all Parliaments, and other publick Judicato-
ries where they shall happen to be present, and that at the
first downsitting of Parliament, they Administrat to all its
Members the Oath of Alledgeance, and the Oath of Parlia-
ment, as in the Act; And all Acts as to the President, or
Oath of Parliament contrary hereunto are Rescinded,
Cha. 2, Par. 1, Sess. 1, cap. 1.

The Parliaments and Committees after the Engagement
1648, Rescinded, *Cha. 2, Par. 1, Sess. 1, cap. 1*.

The Parliaments 1640, 1641, 44, 45, 46, 47, and 48,
Rescinded, *Ibid. cap. 15. See Rescissory*.

Act *Salvo Jure*, *Ibid. Cap. 63*. The like *Ibid. Sess. 2,*
cap. 11, The like Act, but excepting the Ratification of
the Duke, and Dutches of *Buccleuch*, their Contract of
Marriage, pass in that Session of Parliament, *Ibid. Sess.*
3.

9. cap. 30, The like *Cha. 1. par. 1. Sess. 1. cap. 21. The like, Ibid. Sess. 2. cap. 10. The like, Ibid. Sess. 3. cap. 23.* And the like excepting from it the Twenty sixth Act of this Parliament concerning publick Debts, *Car. 2. Par. 3. cap. 28.*

Act concerning the Election and Constitution of the Lords of the Articles, where the Clergy choose Eight of the Nobility, the Nobility Eight of the Clergy, and these Sixteen Elected, or such of them as present, Eight Barrons, and Eight Burgeses, to whom His Majesties Commissioner, adds the Officers of State, and the Lord Chancellor to preside: Which Lords of Articles are to prepare Laws, Acts and Overtures, and order all things Remitted to them by the Parliament, *Car. 2. Par. 1. Sess. 3. cap. 1.*

Act Discharging Voting by Bills, *Car. 2. Par. 1. Sess. 3. The Act is, Act Rescinding two Acts, &c. Insert after the Index of unprinted Acts, 9, September 1663.*

Act Salvo in communi forma, Jam. 7. Par. 2. cap. 46.

Act Salvo in communi forma, Jam. 7. Par. 1. Sess. 2. cap. 32.

The Convention of Estates in the Year 1689, turned unto, and declared to be a Lawful and a Free Parliament, *W. and M. Par. 1. Cap. 1. See Convention.*

Act Salvo Jure, W. and M. Par. 1. Cap. 3.

Act discharging the Committee of Parliament called the Articles, and Rescinding the Act, *Car. 2. Par. 1. Sess. 3. cap. 1.* About the manner of its Election; And declaring that the Estates of Parliament may choose their own Committees of a like Number of each State to be chosen by their respective States, for preparing Motions and Overtures first made in the House, and these Committees may be altered at pleasure, without prejudice to the treating of Matters in plain Parliament, and the Officers of State may be present by the King or his Commissioners appointment in these Committees, to propose and Debate, but not to Vote, but prejudice to the State of Noblemen to chuse such of their Bench as are Officers of State, to be of these Committees as they think fit, *W. and M. Par. 1. Sess. 2. cap. 3.*

That in all Parliaments and Conventions, the Commissioners of the Shires following be augmented, viz. the Shires of Edinburgh, Haddington, Berwick, Roxburgh, Lawrick, Dumfries, Air, Perth, Aberdeen, Fife, and Forfar, each of them two, the Stewartry of Kirkcubright, and the Shires of Stirling, Argyle, and Renfrew, each of them one above their Ordinary Representation, *W. and M. Par. 1. Sess. 2. cap. 11.* which Addition makes in all Twenty six.

Act Rescinding the Acts of Parliament following, viz.
Car. 2.

Car. 2, Par. 1, Sess. 2, cap. 4, and 5. Sess. 3, cap. 2, and 3, Par. 2, Sess. 2, cap. 5, 6, 7. Sess. 3, cap. 9, 17-Par. 3, cap. 4. Jam. 7, Par. 1, Sess. 1, cap. 6, 8, and 24. And generally all Acts made since the 1661, against Non conformity, or for conformity under Bishops, W. and M. Par. 1, Sess. 2, cap. 27.

Act Rescinding the Acts of Parliament following, viz. Car. 2, Par. 1, Sess. 1, cap. 17, and Par. 2, Sess. 3, cap. 12. Car. 2, Par. 1, Sess. 2, cap. 25. and Sess. 3, cap. 23. with all other Acts enjoying Civil Pains on Sentences of Excommunication. Item, Car. 2, par. 3, cap. 6, 18. Jam. 7, Par. 1, cap. 2. (Except as to the Annexation of the Excise) cap. 5, 6, 7, 8, 11, 13, 16, 27, 28. with an unprinted Act, Reannexing the Lands of Tarbat from the Shire of Cromartie, W. and M. Par. 1, Sess. 2, cap. 28.

Remit Process of Treason then Depending before the Parliament, to the Commissioners of Justiciarie, W. and M. Par. 1, Sess. 2, cap. 43.

Act Salvo, Excepting from the same, all Acts of this Session of Parliament, bearing to be therefra excepted, W. and M. Par. 1, Sess. 2, cap. 44.

Absents from Parliament or Convention of Estates (that is Absents the first day, they being within the Kingdom, and not excused) lyable to the Penalty, each Nobleman 200. librs. to be uplifted and exacted by Horning, by the General Receiver, upon a List subscribed by the Clerks. Item, Absents without Leave from each Dyet lyable in the Penalties, the Nobleman 12. librs. the Barron six librs. the Burgesis Three librs, and if sevo, that is, coming after the calling of the Rolls in the half of thest, which are given to the Clerks for Marking the Sederunts of Parliament as is here appointed, and that they give Certificats to the Commissioners, for Exacting their Fees from Shires and Burghs conform to these Sederunts, W. and M. Par. 1, Sess. 3, cap. 1.

Act Salvo in the common Form, W. and M. Par. 1, Sess. 3, cap. 5.

Act Salvo in the Common Form, Sess. 4, cap. 42.

That Summonds on Procests for Remeid of Law before the Parliament proceed on a Bill, containing the matter of the Cause, and signed by the Parrie or his Advocat, and one of the six Clerks of Parliament, which before the sitting of the Parliament may be past by any of the Officers of State, and the time of the Lord Chancellor or President, or any of the said Officers, and in other cases Summonds or Warrands for Citation, to be past by Deliverance of Parliament in time of Parliament, or of the Lords of Session,

sion, when no Parliament on a Summar Citation, on a Bill containing and signed as above *in p. sentia*, and the Summons thereon in His Majesties Name, to be directed to Maceis, if the Partie be within the Town of Edinburgh, to be Executed on 48. Hours, and if elsewhere, on fifteen days, but if in Orkney, and Zeilant, on 40. days, Personally, or at the Parties dwelling House, or if without the Kingdom, on sixty days at the Cross of Edinburgh, and Fear of Leith, to compare with continuation of days; And the Summons to pass under the Signet of the Session, and for Bills, and Letters price 12. lib. and the Signet 3. lib. and to be called, given out, and returned in the common Form, but Decree in Absence save upon Application to, and by Sentence of Parliament, but Summons of Treason, and for other Crimes with their Executions and Processess to proceed as formerly; And the Citation by deliverance of the Lords of Session, to found no exception of Prejudiciality, W. and M. Par. 1. Sess. 5, cap. 2.

All Salvo, &c. Cap. 44. Ibid.

That no Law pass in that Sederunt of Parliament where- in it is first read, Sess. 6, cap. 10. *Ibid.*

All Salvo, &c. cap. 45. Ibid.

That no Person having a Protection be capable to choise, or be chosen, a Member of Parliament until he Renounce the same, W. Par. 1, Sess. 7, cap. 22.

All Salvo, &c. cap. 27. All Salvo, Sess. 9. cap. 17.

Pass.

That no Man break the Kings safe Conduct under the pain of Death, Jam. 3, Par. 12. cap. 88.

Passing forth of the Realm.

That Clerks or Laicks passing forth of the Realm make their Exchange of Money with Exchangers within the Coun- trey; And that Clerks signifie this, and their going to the Chancellor, and Laicks to the Chamberlain, under the pain of Twenty Pounds to the King, Jam. 1. Par. 6, cap. 48.

That no Man Spiritual or Temporal, pass forth of the Realm without Licence, or being abroad, do any thing against their Licence; And that they have out no Money, under the pain of Proscription and Rebellion, and to be demanded as Traitors. The *All* proceeds upon a Petition of Abuses committed at the Court of Rome, Jam. 4, Par. 3, cap. 53.

That Persons going out of the Kingdom for farther know- ledge of Lawes, have the Kings Licence, and in what Terms, See Jam. 6, Par. 6, cap. 71. in Religion, and about

anent the Youth going Abroad. See it in Youth.

Patron.

That Patrons present a Qualified Person within six Moneths, after they have knowledge of the Vacancy to the Superintendent, or Commissioner of the Kirk, otherwise the Kirk may dispone upon the Benefice, in case the Patron and Superintendent differ, the Appeal to be made to the Superintendent and Ministers of that Province, and from them to the General Assembly, who decide finally in the matter, *Jam. 6, Par. 1, cap. 7.*

That Patrons of Provostries, Prebendaries, Altarages, and Chaplainries, may present the same to Bursars in Colleges at their pleasures, and they are requested to do the same, *Jam. 6, Par. 1, cap. 12.*

Amplly Ratified, and the King with advice of the Estates expressly declares, that it was never his mind to prejudice the saids Patrons, as to the saids Benefices, but that the Bursars and Titulars thereto provided, may fully and freely bruik the same, conform to the old Foundations, notwithstanding any Application made thereof, the time of Popery, or any Disposition made thereon by His Majesty, *Jam. 6, Par. 12, cap. 138.*

Both Ratified; And its farther Declared, that the Entry of the Vassals of the saids Benefices shall belong to the saids Patrons, as Superiors, in place of the Titulars, without necessity of the Titulars, or any others consent. Deferring always to the Titulars, the Fruits and Profits of the saids Benefices: And where Burghs and their Magistrats were before Patrons; they are now also Declared to be Superiors, *Car. 2, Par. 1, Sec. 1, cap. 34.*

That Laick Patrons have Right to the Fruits of their Benefices waiking, insinuat by Act, *Jam. 6, Par. 8, cap. 137.* The Act is, Touching the Provision to His Highness of a Guard, &c. *Par. 12, cap. 115.* The Act is, Unqualified Persons being Deprived, &c. and *Par. 13, cap. 172.* The Act is, Infeignments given by the King, &c.

Laick Patrons Infeign in the Right of Patronage, cannot be hurt by any long Possession of any Ecclesiastick Person getting the Possession, and pretending Right to the Benefice, while the Lands were Wadset: But the Laick Patron Redeeming, returns to his Right of Presentation, *Jam. 6, Par. 11, cap. 61.*

A Sentence of Deprivation being Intimate to the Patron, he must present within six Moneths, otherwise his Right for that time devolves to the Presbytrie, *Jam. 6, Par. 12, Cap. 115.*

All Infeiments granted, or to be granted to His Majesty, containing the Gift of any Patronage, which pertained before to him, and whereof the Titular is alive, and not consenting to the Gift, the same is Declared Null, by way of Exception or Reply, as to the said Patronage, unless the Beneficed Persons Consent shall be thereafter obtained, *Jam: 6, Par, 13, cap, 172.*

No Beneficed Man under a Prelate may set longer Tacks of Teinds, or others belonging to his Benefice without consent of the Patron, then for the space of three Years, *Jam: 6, Par, 14, cap, 200, See Benefice.*

A Person being provided by the King or his Donator to a Benefice, at His Majesties Presentation, by reason of the Forefaulure of the Patron; and the Person presented having obtained Letters conform, and being in peaceable Possession, his Right and Title stands good, notwithstanding of the Restitution of the Patron Forefaulced, or the Reduction of his Forefaulure, but prejudice to the Patron of his Right upon the next Vacation, *Jam: 6, Par, 20, cap, 12.*

That Patrons may lawfully take Tacks, or conditions of Tacks from Infrants, with Reservation to the Kirk of a sufficient Maintenance, *Jam: 6, Par, 21, cap, 1. (see Simonie)* and the same is again Declared without prejudice of the Ministers Maintenance Modified or to be Modified, *Car: 2, Par, 1, Sess, 1, cap, 9.* The Act is, *Act approving the Engagement 1648, &c.*

Laick Patronages pertaining to Subjects before the Year 1561, fall within the Compass of the General Submission, and His Majesties Determination thereon, in so far as concerns a competent Maintenance to the Minister: the Teinds of other Mens Lands, and His Majesties Annuity, and the remanent Teinds thereof, to pertain to Laick Patrons in Price or Rate, in all cases where they were in Possession thereof, seven Years within the fifteen Years, immediately preceeding the said Submission; but there is a Reference made to his Majesty of Differences, where the Titular, or Minister were in Possession of the Benefice for the said space, *Car, 1, Par, 1, cap, 19.* The Act is, *The Commission for Valuation of Teinds, &c.*

That the Rescinding of the Act 1649, which did Abolish Patronages, and gave the Patrons Right to the Teinds in place thereof, doth not give the present Incumbents any farther Right to the Teinds, than they had before the making of this Act, *Car, 2, Par, 1, Sess, 1, cap, 9.* The Act is, *Act approving the Engagement 1648, &c.*

That all Patrons of Kirks, or Benefices of Cure be careful to present Pious, Legal, Learned, and peaceable Men,
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who shall take and subscribe the Oath of *Alledgeance* before a Judge Ordinary before the granting, and their accepting the Presentation; otherwise if a Person that hath not taken the Oath, shall be presented, the Presentation shall not only be void, but the Right thereof as to that Vacancy shall belong to the King, and the Patron be repute Disaffected to his Majesties Government, and a Contemner of his Authority, *Car. 2. Par. 1, Sess. 1, cap. 36.*

The power of Presentation of Ministers acclaimed by Patrons Discharged, but prejudice to them to imploy the vacant Stipends for Pious Uses within the Paroches, if they be *Presbyterians*, or if *Epish.* by the Advice and Appointment of the Presbytrie, wherein if they Failzie, they amit their Priviledge for that, and the next Vacancy to the Presbytrie, excepting from this Act, the vacant Stipends within the Synod of *Argyle*, and for the said power of Presentation taken from the Patrons, the Heretors of each Paroch, are Ordained to pay them six Hundreth Merks, including the Patrons own part effeirand to their Valuations, two Thirds by the Heretors, and a Third by the Litterenters; and the Patrons may compell the Heretors to make, and the Heretors the Patrons, to accept of the said Payment, as in the Act. *Item*, The Teinds where not Heretably Disposed are given to the Patrons, but with the Burden of Tacks, and all their Natural Burdens, and Redeemable from them by the Heretors at six Years Purchase after Valuation. *Item*, The Superiorities belonging to these Benefices are given to the King, as the Superiorities of other Karklands were given by way of Reversion in the Year 1633, excepting the Few Farms, where a part of the modified Stipend, or where the Minister in Possession thereof for ten years, or where he hath the full Benefice, in which cases they are not Redeemable; Also excepting from this, *All in favours of the Duke of Hamilton*, the Superiorities of the Deanrie of Hamilton, and Provostrie of *Borthwell*, *W. and M. Par. 1, Sess. 2, Cap. 23.* But instead of the *Deanrie*, it should be the *Provostrie of Hamilton*; and so it is Corrected, *Sess. 4. Cap. 36 Ibid.* And this Benefice or the Teinds in lieu of the Presentation now Abolished, extended to the Patrons of all Parsonages and other Benefices, with the Burden as above: And farther, of two Ministers in one Paroch, if the Commission shall think fit, providing that the Minister Beneficed, and in Possession, continue so until the Patron obtain him a Just Stipend legally settled upon him, *W. and M. Par. 1, Sess. 4, Cap. 26.*

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Payment,

An Abridgement of the **Payment, See Money.**

Order for Payments on the then Change of Money, and that Wadsets upon the Money running at that time be out quite by the same, or by the Avail, *Jam. 2, Par. 8, cap. 36.*

That Debts be payed of the same Sums in Substance as it was intended betwixt the Parties, before the Act crying up the Money, and that usual Money of *Scotland* in all bygone Contracts, be understood as the Money Rent before it was Cryed up, *Jam. 3, Par. 3, cap. 19. and Par. 8, cap. 69.*

The King being prayed, grants that if he Cryed down the Money, yet payments shall be made at the present Avail, *Jam. 3, Par. 3, cap. 21.*

That of Black or Copper Money, there be taken in payment, Twelve pennies only in the Pound, *Jam. 3. par. 4, cap. 22. augmented to Two shillings per Pound, Ibid. cap. 214.*

Peace, See Fead.

That Peace be kept, and holden through the Realm, and that no Man move War against another, under the pain of Law, *Jam. 1, Par. 1, cap. 2.*

That the King make Peace and Unity, among his great Lords, and that they, and the Justices make Unity among smaller Persons, *Jam. 3, Par. 13, cap. 92.*

That the King for Peace, make all Parties and Persons, to be at Friendship, and Concord; and punish the Party obstinately refusing, *Jam. 4, Par. 2, cap. 8.*

The Acts anent Clans and Chifains for Repressing Thefts and Depredations in the *Highlands*, extended to the case of publick Peace, and for preserving thereof, *W. and M. Par. 1, Sess. 4. cap. 39.*

Peck to the Boll.

That in Bargains for Victual, no Eek or Addition of any Quantity be made, except upon payment for the same Price, as is conditioned for the first Boll, and that under the pain of Fourty *shillings* to be payed by the Receiver, for every Boll otherwise received (beside the Price) the half to the King the other half to the Delator, *Jam. 6, Par. 23, cap. 17.*

Pedagogue, See Youth.

That Pedagogues sent by Noblemen, and others, with their Sons out of the Countrey, have the Bishops Testimonial of his Religion, and Learning, under the pains to the Earl of Five Thousand Pounds, to the Lord of Five Thousand Marks,

Merks, and to the Barron of Three Thousand Merks, Jam. 6, Par. 20, cap. 1.

That none be admitt'd Pedagogues without Licence of the Ordinary. Cha. 2, Par. 1, Sess. 2, cap. 4. The Act is, *Act concerning Masters of Universities &c.*

That Pedagogues take the Test. Car. 2, Par. 3, cap. 6. See it in T. st. See the Act W. par. 1, Sess. 9, Cap. 3. in *Papists &c.*

Pension.

That no Pension be Purchased of any Benefice, without consent of the Possessor, Jam. 3, Par. 1, cap. 4.

He who pretends Right to any Pension, Purchased after the Date of this Act, should produce the Principal Gift and the same being improven, or reduced, any Ratification, Confirmation, Decree, or Letters thereupon fall in *consequentiam*. Jam. 6, Par. 11, cap. 62.

Act Ratifying the Clause in the Act of Annexations 1587, about Pensions; And that all Pensions out of Prelacies, whether Spirituality or Temporality thereof, not Authorized by Decree, or Possession in the Prelats Lite, and before the Act of Annexation be Null, and of none Avail. Jam. 6, Par. 12, cap. 137.

Perambulation.

That in Perambulations, the Persons of Inquest be honest, substantial Men, Heretors within the Shire, if they may be had, or Four halves about, or Four next Shires, that best know the Ments of the Lands, unless the Brieves be proven by a Bounding Evident, or Authentick Writ. Jam. 6, Par. 6, Car. 79.

Pestilence.

That Houses be closed up the time of Pestilence, or if the Inhabitants be unwilling to be closed up, that they be put out of Towns, and that no Man Burn, (that is Singe for Cleansing) anothers House, but if it may be done without his Neighbours Skaith. Jam. 2, Par. 13, cap. 57.

Pewter.

That Pewterers put the Mark, and his own Name upon his Work, and that it be of the Finest, Marked with Rose in England, under the pain of Escheat thereof, and further Punishment by the Magistrats; And for this end, that there be Sey-Masters appointed, and that Pewterers take betwixt the Pound of Old Tin, or Pewter Marked with the Rose as said is, and the Pound of new casted by them,

them, Two Shillings alienarly, under the pains foresaid. *Cha. 2, Par. 1, Sess. 3, cap. 8.*

That Broken Pewter be not Exported. *Cha. 2, Par. 1, Sess. 1, cap. 46. See it in Forbidden Goods.*

Pilgrimage:

That none go in Pilgrimage to Kirks, Chappels, Crofets, or the like, keep Saints Days, Sing Carrales, or observe any other Superstitious Papistical Rite, under the pain of an Hundred pounds, the Landed Man an Hundred Merks the Unlanded Man, and Fourty pounds the Yeaman, and the Offender not Responsal, to be Imprisoned for the first Fault, and for the Second, that the Offenders be punished by Death as Idolaters. *Jam. 6, par. 7, cap.*

Plantation of Kirks:

Commission for Plantation of Kirks, the meanest Scipend, where the Fruits of the Benefice may afford it Five Hundred Merks, or Five Chalder of Victual, the highest an Thousand Merks, or Ten Chalder, and Power given to Recompenſe Patrons, Tacksmen, and Sub-Tacks-men, by Tacks Prorogations, and otherways as the Commissioners shall think fit, Declaring, that where this Commission shall take effect by Decree, the Persons having Right to the Teinds, shall not be farther quarreled, and this Commission to endure untill the first of August 1618. *Jam. 6, par. 22, Cap. 3, Anno 1617.*

Another Commission for Plantation of Kirks almost in the same Terms, appointed to begin the Tenth of January 1622, and to endure for Year and Day. *Jam. 6, par. 23. Cap. 5.*

Act Ratifying the Act of Commission of Surrenders, 26 of June 1627, Finding Eight Chalder of Victual, or Proportional in Silver, and Victual, to be the lowest Maintenance for any Kirk, except particular reason occur, which are by this Act referred to be considered by the Commissioners for Plantation, &c. And all Acts and Decrees of Modification, already made by the said Commission are Ratified, and Letters ordained to be direct thereon. *Cha. 1, Par. 1, cap. 8.*

Commission for Valuation of Tiends, and Plantation of Kirks. *Cha. 1, par. 1, cap. 19. Anno 1633.*

All Decrees and Sentences, given by the Commissions for Plantation of Kirks; in the Year 1649, and 1650, are declared to be Valid, albeit the Authority of these Commissions be declared Void, except in so far as the same upon Complaint, shall be found to have been unjustly Pronounced.

inounced by the Commission, to be given in this Parliament. *Cha. 2, par. 1, Sess. 1, cap. 9.* The Act is, *Act approving the Engagement 1648 &c.*

Commission for Plantation of Kirks, and Valuation of Tiends, Ratifying all Acts, and Decrets of former Commissions, granted since the Year 1640, albeit all Parliaments since that time be Rescinded, this Act gives power to Value (but not to Sell Tiends) even where Ministers are in Possession by Leading, As also allows Heretors to Buy, any time within Three Years after Valuation. *Cha. 2, Par. 1, Sess. 1, Cap. 61, Anno 1661.*

Commission for Plantation of Kirks, and Valuation of Tiends, Ratifying the Commission 1633, (except as to alterations made by subsequent Commissions Ratified in this Parliament) As also the Commission 1661: This Commission almost of the same Tenor with the former only it excepts from the Ratification of the Acts and Decrets of former Commissions since the Year 1640: All Decrets of Valuation, or Modification, past since the Year 1637, whereby the Bishops are Prejudged of what they then Possessed. *Cha. 2, Par. 1, Sess. 3, cap. 28.*

Commission for Plantation of Kirks, and Valuation of Tiends, much of the Tenor of the former; And referring to the Commission 1633, as to the Modifying and Settling of Stipends, and giving Heretors Liberty to Buy within Three Years after the Date of the Act, which is of the 24 August 1672: And if they be Minors, Two Years after their Majority &c. *Cha. 2, Par. 2, Sess. 3, cap. 15.*

Commission for Plantation of Kirks, and Valuation of Tiends, much of the Tenor of the last. *Jam. 7, par. 1, cap. 28.*

Commission for Plantation of Kirks, almost in the Common Form, but the Commissioners Names still blank. *Jam. 7, par. 1, Sess. 2, Cap. 22.*

Commission for Plantation of Kirks and Valuation of Tiends, much in the Common Form, but allowing the Valuing of all Tiends without exception; As also the Buying of all Tiends, except such as belong to, and are Possessed by Ministers for their Stipends. *W. and M. par. 1, Sess. 2, cap. 30.*

This Commission Ratified with some alterations, See the *Act. Item*, That Tiends once pertaining to Heretors, who Fewed out the Lands, but without or reserving the Tiends, As also Tiends belonging to their Majesties by the Abolishing of Prefacy, so long as they remain undisposed; As likewise Tiends belonging to Colledges and Hospitah, or Destinat to Pious Uses, are not to be Sold.

Sold, but may only be Valued. *Item*, Patrons, Titulars, and Tacksmen of Tiends, may not Allocate after Citation, but only proportionally. Set, so as he may except the Tiends of his own Lands, if there be sufficient Tiends beside, where a warrant for Leading of Tiends, is obtained by the Heretor on his Intenting an Action for Valuation, the same may be cut off by the Defenders taking out a Protestation for not insisting. *Item*, The Times and Places of the Sitting of Commission, to be Wednesday each Week in the Inner-house, from the first Wednesday of the Session, to the first Wednesday after it, both inclusive. *W. and M. par. 1, Sess. 4, cap. 24.* But the *Quorum* of the Commission determined to be Seven, whereof One of each State, and the withdrawing of on or more of each State, nor the absence of the Officers of State is declared not to break the said *Quorum*, if Seven Commissioners remain. *Sess. 5, cap. 18.*

Planting, and Policy.

That Free-Holders cause their Tenants Plant Woods, Trees, and Hedges, and Sow Broom in convenient places. *Jam. 2, par. 14, cap. 80.*

For Planting and Policy, That every Lord and Laird make Parks, with Doere, Stanks, Cuningairs, Dowcass, Orchyards, and Hedges, and Plant at least an Aiker of Wood. *Jam. 4, par. 6, cap. 74.*

Ratified, And that every Man, having an Hundred Pound Land of new Extent, where there is no Wood, Plant Wood, and make Hedges, and Haining extended to three Aikers, less or more, according to his Heretage, and that they cause their Tenants Plant for every Merk Land, a Tree, under the pain of Ten Pounds, to be payed by each Laird that Failures, and the King may give Commission to execute this Act. *Jam. 5, par. 4, cap. 10.*

Acts against Peeling, Barking, and Destroying of Wood: See it in *Theist* and Wood, specially the Act *Jam. 6, Par. 39, cap. 3. in Theist*, which provides particularly and amply for the Preservation of Planting, Inclosures, and all manner of Policy.

Act Ratifying the Act, *Jam. 1, Par. 4, Cap. 9.* Entituled *An Act for Planting of Woods, Forests, and Orchards*, (but there is no such Act, but the Act meant must be *Jam. 2, par. 14, cap. 80.* To Sow Broom, and make Hedges, or *Jam. 4, par. 6, cap. 74.* That Hedges and Parks &c. be made) And all other Acts for that effect: And farther that every Heretor Liferenter, or Wodfenter, worth a Thousand pound, of Valued Rent, Inclose yearly for

for Ten Years next ensuing Four Aikers of Ground, and Plant the same with Oak, and other Trees, at Thire Yards distance; and other Heretors of greater or less Rent accordingly; And that they uphold the same, and they may at the sight of the Judge Ordinary, cast about the high ways not exceeding Two Hundred Elms on their who's ground, And where there are Litrenters, that the Charges be divided betwixt them and the Heretors: And that proper Wodfeters shall have the Charges of their Planting eiked to the Reversion: And who Cuts or Brakes any such Tree, shall pay Twenty pounds, or who breaks down the Inclosure, Five Pounds to the Heretor, or Work six Weeks, or Ten Days to him, for Meat and Drink only, and these Inclosed Grounds, are declared free of all Burdens and Quarterings of Horse for Nineteen Years after the Date of the Act, That Neighbours keep their Beasts off others Inclosures at all times, under the pain of Five Pounds *toties quoties* to the owner: And that where Inclosures fall to be made on Marches, the next Heretor be at half Charges. *Cha. 2, par. 1, Sess. 1, cap. 41.* And if the Marches be crooked and unequal, or unfit for Dike, or Ditch, the Incloser may require the Sheriff, Justices of Peace, or other Judge Ordinary, to Visue and Regulate the Marches, with the best Conveniences, by Adjudging peices *hinc inde*, and ordaining any Superplus Price that happens for Adjusting, to be payed, that the Dike, or Ditch so made, be thereafter the Common March. *Cha. 2, par. 2, Sess. 1, cap. 17.*

The Acts, *Cha. 2, Par. 1, Cap. 41.* and *par. 2, Cap. 17.* for Planting, Ratified, and the whole heads in the first Act prorogat for Nineteen years from the date of this Act 1685: *Item*, That no person cut, break, pull up or peell the Bark of any Tree, within Ten Years growth, under the pain of Ten *libr.* and if above Ten Years, under the pain of Twenty *libr.* each Tree, and that the haver and user of the Timber, be lyable to the said pain, unless he produce the person from whom he got it, and the insolvent to work for his Fine at half *Merk per diem* to the Heretor, and that none break down or pull up Dyke, Hedge, or Ditch, or leap, or suffer Horse, Nolt, or Sheep to go over them under the said pain of Ten *libr.* *toties quoties*, half to the Heretor, half to the mending of Wayer and Bridges at the sight of the Judge, *Jam. 7, Par. 1, Sess. 1, Cap. 39.*

That Tenants and Cottars preserve the planting on their possessions, under the pain of Ten *libr.* to each Tree within Ten Years Old, and Twenty *libr.* to each Tree above, or be punished only by their Masters, and that they be

be lyable for all in their Houses, *W. Par. 1, Sess. 7, cap. 16.*

Act ordaining Heretors to cause herd their Horse, Nolt, Sheep, Swine, and Goats, the Winter as well as Summer, and to house or inclose them in the night under pain of halfe Mark *scilicet quoties* for ilk beast, found on a neighbours ground, beside the damage for which the beast may be detained, *Jam. 7, Par. 1, Sess. 2, cap. 11.*

Playes.

Act discharging the Playes, and Personages of Robin-hood, Little John, Abbot of Unreason, and Queen of May, *Q. M. Par. 6, Cap. 61.*

Pledges, see High-Lands.

That no Nobleman, or Baron (being burdened therewith, refuse to accept of Highland, or Border Pledges, that they receive them, and be answerable for them, under the pain of Two Thousand Pounds for each Pledge, *Jam. 6, Par. 16, Cap. 28.*

Pley, see Actions.

That no Lord of Session, ordinary, or extraordinary Advocates, Clerks, Writers, their Servants, or any other Member of the Colledge of Justice, or any Interior Judgement, be themselves, or others, to their behoove, buy any Lands, Teinds, Rounns, possessions depending in Plea undecided, under the pain of Tining their places, and all privileges thereof, *Jam. 6, Par. 14, cap. 216.*

Plot.

The discovery and narrative of the Plot 1635, approved, *Jam. 7, Par. 1, cap. 30.* This *Act* Rescinded, *W. and M. Par. 1, Sess. 2, cap. 28.*

Plough, see Labouring and Sowing.

Poinding.

That Poinding for Mails and Annualrents be deferred to the third day, after the Solemn days of Whitsunday or Martinmas, *Jam. 3, Par. 6, cap. 35, See Sabbath.*

That Horse, Oxen, or other Goods pertaining to the Plough, and Labour, be not poinded the time of Labour
when

where other Goods or Lands, may be had to be poulded or apprifed, *Jam. 4, Par. 6, Cap. 98.*

That Decrees given in Actions of double pointing for the party compearing, may not be quarrelled as to bygones by the party abfent, unlefs he have an neceffary caufe of abfence: And that Minors lefed by their abfence, have Action of Damages againft their Tutors, and Curators alienarly, but if the Minor have none, that he be reftored as accords, *Jam. 6, par. 9, cap. 3.* Albeit this Act be declarative, and was made to comprehend all Caufes then depending, and undecided, yet it is afterward refttricted to Reductions of fuch Decrees as were obtained after the making thereof alienarly, *Jam. 6, Par. 10. cap. 19.*

Ratification of the Act, *Jam. 5, Par. 18, cap. 10.* in Horning, and that Letters of pointing be in like manner directed upon Sheriffs, Commiffars, and other Inferiour Judges Decrees, mentioned in the faid Act, and this Act drawn back to the Twelfth of June 1649, *Cha. 2, Par. 1, Sefs. 1, cap. 29.*

That Pointing be not ufed upon Bonds, or Decrees for perfonal Debts, until the charge be given and expired, under the pain of Spulzie: but prejudice of Mafters Decrees againft their Tennents in their own Courts, and Superiors pointing for Few-Duties as formerly, *Cha. 2, par. 2, Sefs. 1, Cap. 4.*

Pole.

Act for a Pole for payment of Arrears firft due to the Country, and then to the Forces before the firft of February, 1691, with a moft ftrick destination, but that none be lyable to produce Discharges thereof after *Martinmas* 1697. *W. and M. par. 1, Sefs. 4. Cap. 9, See the Act.*

Act for another Pole containing alfo a destination and in the firft place for Ships of War, and that none be lyable to produce Discharges after *Martinmas*, 1696, *Sefs. 5, Cap. 10.*

Act for turning the Tack of the Pole 1693, to a Collection, with a Commiffion for that effect, and for calling to Accompt for the Hearth-Money, *cap. 31, Ibid.*

Act approving the Proclamation of the Council 13 of Auguft 1696, prorogating the terms of payment and of production of Discharges of the Pole 1695, *Sefs. 6, cap. 30, Ibid.*

Act for a new Pole towards the ends and ufes therein mentioned, *Sefs. 7, cap. 12, Ibid.*

And this Pole given for a fecond year in the terms of the former

former *mutatis mutandis*, and for the Causes therein mentioned, *Cap. 25, Ibid.*

Remit of all Questions about the Pole 1693, to be determined by the Commissioners of the Pole, betwixt and the first of March 1599, *cap. 26, Ibid.*

Act and Commission to determine all Differences and Questions about the said Pole 1693, And to make Application thereof, for payment of Arrears still due; As also to enquire after other Fonds given for that end, *Sess. 9, Cap. 26, Ibid.*

Poor, see Beggers.

For preventing the increase of Beggers, His Majesties Letters of sight of Provost, and Baillies within Burgh, or elsewhere, either to Burgh or Landwart, may receive children of indigent Parents, with consent of their Parents, if they any have, and if they be under Fourteen years, and with their own consent if above, and breed them either in their Houses, or at Callings, and upon a Testimonial hereof, the saids Children shall be astricted, to their saids Masters, their Airs and Assigneys, in all manner of Service, and be under all manner of Discipline (Lye and Torture excepted) untill they be past Thirty Years of Age, and all their Costs by their Travel shall be their Masters, and they shall be bound to refund his Damage for their absence, and who keeps them from him after Requisition, for Redelivery upon Twelve Hours, shall be lyable in Ten Shillings per diem, beside the Redelivery, *Jam. 6, Par. 22, cap. 10.*

Ratified with this Addition, That all Masters of Manufactories, may with advice of the Magistrates of the place send Vagabounds, and Idle Poor Persons, and Imploy them in their Work, and exact off the Paroches where they were Born, or if not known, the Paroches where they have haupted three years before, two Shillings per Annum for the next three years, in manner prescribed in the Act, and thereafter may retain them seven years in their Service for Meat and Cloaths, *Cha. 2, Par. 1, Sess. 3, Cap. 16.*

The oversight of the Poor committed to the Justices of Peace, who are empowered to appoint two, or more, Overseers, in every Paroch, and take account of them as in the Act, *Cha. 2, par. 1, Sess. 1, Cap. 38.* See it in Justice of Peace.

Order for appointing, and entertaining one, or more in each Paroch, on the Heretors Expences, to teach poor Children,

Children, Vagabounds, and Idlers, to Fine and mix wool Spin Worsted, and work Stockings, *Ibid. cap. 42.*

Act for Establishing Correction Houses, for Idle Beggars and Vagabounds, in the Burghs, upon the allowance, and in way and manner set down in the Act, *Cha. 2, par. 2. Sess. 3. cap. 18.*

Act Ratifying and Reviving all Acts and Proclamations for maintaining the Poor, and repressing Beggars, recommending their prosecution to the Council, *W. Par. 1. Sess. 5, cap. 43.*

Act Ratifying as above, and empowering the Council to grant Commissions, as also to make Acts for the end foresaid, to endure till the next Session of Parliament, *Sess. 6, cap. 29.*

Act Ratifying and Reviving, and fully, and particularly as above; And likewise Impowering the Council as above, *Sess. 7, cap. 21.*

Pope.

Act Ratifying the Act of Parliament, 24 August 1560, abolishing the Popes Jurisdiction, and Authority, within this Kingdom, *Jam. 6, Par. 1, cap. 2.*

That all Bulls, Provisions, Confirmations and Gifts of Benefices, granted by the Pope, or Queen Mother, to the King, be produced before Commissioners to be appointed by his Majesty, and in case the same be found true and lawfully purchased before the 24 of August 1560. That they be Registrat, and marked, otherways, that they be declared null, *Jam. 6, par. 3, cap. 31.*

Post-Office.

Act settling the Post-Office, with the Powers, Privileges and Dues of the Post-Master-General, whether the same be set in Tack or not. *Item*, that he take the Oath of Allegiance and Assurance, and that general Letters be directed at their instance against his Deputies, as for His Majesties Revenue, *W. and M, par. 1, Sess. 5, Cap. 10.* See the Act which bears a Remit to the Council.

Poyson.

That no Man, nor Woman, inbring any kind of Poyson through which Man or Woman may take Bodily Harm into the Realm, for any manner of use, under the pain of Treason, *Jam. 2. Par. 7, cap. 30.* And this Act extended against Strangers, *Ibid. cap. 31.*

An Abridgement of the Preaching.

That none be permitted to Preach without Licence of the Ordinary, *Cha. 2, Par. 1, Sess. 2, cap. 4, The Act is, Concerning Masters of Universities, &c.*

Precepts, see Procuratories of Resignation.

That Precepts upon Retours pass as before to Sheriffs, and other Judges, with the Clause *Capiendo securitatem*, without urging Parties to present payment, *Jam. 6, Par. 12, cap. 126, The Act is, Anent the Duty of Sheriffs, &c.*

That no Precepts of Seafin be thereafter written to, or under the Quarter Seal, but that they be ingrossed in the end of the Chartour, *Cha. 2, par. 2, Sess. 3, cap. 7.*

Preference of Real Rights.

That the Preference of all Real Rights, whereupon Seafin is taken, be determined according to the date, and Priority of the Registration of the Seafins, without respect to the distinction of Base and Publick Infeftments, or cled, or not cled with possession in all time coming, *W. and M. Par. 1, Sess. 4, cap. 13.*

Prelat, and Prelacy.

When Prelacies, that is Bishopricks, and Abbacies vaik, the Nomination thereof pertains to the King, and the Provision to the Pope, and that none take their places, Castles, Strengths, or Abbacies, without the Kings Authority, or the Convents consent the Abbacy vaiking, under the pain of High Treason, *Jam. 5, par. 7, cap. 125.*

That all Gifts and Dispositions or Prelacies, Abbacies, Priories, and Nunries, made by the King upon the Resignation of the Possessors, Reserving their Liferents, are Null, and that no Gift or any Prelacy be valid in time coming except it vaik be decease, Fortaulture, or simple dimission, *Jam. 6, par. 9, cap. 1, But this Act corrected, and declared to be of force only, quoad futura, and Gifts made after the date thereof, Jam. 6, par. 13, cap. 187. And for obviaring of Frauds as to antedates, all Gifts not past with all Solemnities, and specially not exped through the Great Seal, before the making of the said Act, Jam. 6, Par. 9, cap. 1, are excepted and declared null, Jam. 6, Par. 13, cap. 274.*

That

That Prelates be free of Warrandice, except from fact and deed, in respect of the Annexation 1587, Jam. 6, Par. 11, cap. 110, See it in *Annexation*.

That Prelates, and other Beneficed persons, have relief of Taxations upon their Vassals, Pensioners and Tacksmen, Jam. 6, par. 14, cap. 228.

That all Ministers provided to the Title of an Bishop Abbot, or other Prelate, have Vote in Parliament, siclike as Prelates of old, Jam. 6, Par. 15, cap. 231.

That two part of the spiritualty unassumed of all Prelacies vauking, and Rents and profits thereof, *s. de vacante*, appertain to the King, and may not be disposed by pension, Gift, or otherwayes, *Ibid. cap. 242*.

Act abolishing Prelaty, and all Superiority of any Office in the Church, above that of a Presbyter, Rescinding the Acts Cha. 2. par. 1, Sess. 2, cap. 1, Sess. 3, cap. 2, Par. 3. cap. 4. and all others, in so far as herewith inconsistent, W. and M. Par. 1, Cap. 3.

Prerogative, *see King, and*
Oath of Allegiance.

Presbytery, *see Kirk.*

Prescription and Interruption.

Obligations prescribe, if the party to whom they are made, follow not the same within Fourty Years and take document thereupon, Jam. 3, Par. 5, cap. 29. Extended to bygone Obligations, elder then Fourty Years, and not depending in Law, the time of the making of the foresaid Act, Jam. 3, par. 7, cap. 55.

That Summonds of Error or Inquest be pursued by the party Lefed, if Major, and within the Realm within three years, otherwayes he shall never be heard in that Action for to reduce the said Error, Jam. 4, par. 5, cap. 57. but corrected, and restricted to the Members of the Inquest, so as they may not be made lyable after three years for Error, without prejudice to the party lesed to pursue for Reduction of Retours, to be expedie in time coming, within the space of Twenty Years, for his recovery of his Rights after which space alienarly, the said Action of Reduction, is to prescribe, but this Act prejudices not such as have already acquired bona *side*, from persons retoured before

the date thereof, Jam. 6, par. 22, cap. 13. Anno 1617.

Actions of Spolzie, Ejections, and others of that nature prescribe, if not pursued within three years, after committing of the Deeds, unless the party lesed be minor, who is allowed three years after His Majesty. Jam. 6, Par. 6, cap. 81, Ratified, Jam. 6, par. 7, cap. 119.

Actions of removing prescribe in like manner, if not pursued within three years after the Warning, Jam. 6, Par. 6, cap. 82. But without any exception as to Minors.

All Actions of Debt for House-rents, Mens ordinar Servants Fees, Merchants Compts, and others the like Debts, nor founded on Writ, prescribe, if not pursued within three years, unless the pursuer offer to prove his claim by Writ or Oath of Party, *Ibid.* Cap. 83.

No necessity to produce Procuratories Infeiments of Resignation, precepts of *clare constat*, or any other Precept of seisin, nor shall the want thereof be any cause of Reduction, after Fourty Years Possession, by the party, and his Authors, be vertue of their Infeiments, and where the Charter making mention of the Resignation to have been made, and the Instruments of Seisin mentioning the Precepts are extant, Jam. 6, Par. 14. cap. 214.

Where a Chartor and Seisin, or where there is no Chartor, Infeiments of Seisin one or more, continued and standing on retours, or Precepts of *clare constat* are produced, and the Party and his Authors by themselves, or others having their right by vertue thereof, in Fourty years peaceable, and uninterrupted possession of the Lands and other Heretages therein contained, the same are declared to be good and unquestionable Rights, upon any ground whatsoever, except falsehood, that all Actions upon Bonds, or any other ground whatsoever be pursued within Fourty years after the date thereof, unless the ground of the Action be a Reversion, in the Body of the Defenders Right, or duely Registered, in which case the Action is declared to be perpetual. Actions of Warrandice prescribe not from the date of the Obligation but from the date of the distress. But the years of the Minority of the party, where prescription is objected, are not counted in the space of the forty years course thereof, and There is no time allowed as such against whom Fourty years prescription was run, before the making of this Act: In such space, they may intend their Actions for Interruption, and yet they are not compellible, to insist on the first summons, unless the second Summons be also given, Jam. 6, Par. 22. cap. 11. Anno 1617.

Act Ratifying his Majesties Letter, dated 12 November 1629, and Acts of Session, and Secret Council following thereon, and Publication of the same, for Interruption of the Prescription of the Thirteen Years, in Favour of his Majesty, according to the Preceding Act *Chs. 1, Par. 1, cap. 12.*

That Arrestments on Decrets, as also on Depending Actions, not Pursued within Five Years after Sentence, shall after that time Prescribe. Ministers Stipends, and Mulctures, not Pursued within Five Years after they are Due, and Mails and Duties not pursued within five Years after the Tenants Removing, do thereafter Prescribe, unless they be proven to be Resting by Writ, or Oath of Party, all Bargains of Moveables, or Sums of Money probable by Witnesses, Prescribe as to that manner of Probation, after five Years, all Actions on Warnings; Spulzies, Ejections, Arrestments, Ministers Stipends, and others forekside, Prescribe within Ten Years, unless awakened every Five Years, but prejudice of shorter Prescriptions of any of the said Actions, appointed by former Acts, and Holograph Miltive Letters, and Holograph Bands, Subscriptions in Compt-Books, without Witnesses Prescribe after Twenty Years, unless the Verity thereof be offered to be proven by Oath of Party, but none of these Prescriptions run against Minors. *Chs. 2, Par. 2, Sect. 1, cap. 9.*

That all Interruptions as to Rights of Lands by Citation; be thereafter made by Messengers Personally, or at the Parties Dwelling House, and at the Paroch Church, at or after Divine Service, and that all Citations for Interruption be renewed every Seven Years, or else Prescribe, except the Parties be Minors. *Ibid. cap. 10.* As also that the Execution be made before Witnesses, present at the Doing, and Subscribing to the Execution. *Chs. 2, par. 3, cap. 5.*

And these Two last Acts Explained thus, viz. As to the said Act 9: It is Statute that the Actions mentioned therein, and intended before the same (1669,) or since, shall prescribe within Five Years, after the date of this Act 13 May 1685, if not awakened within that time, and so of Actions to be raised hereafter; And as to the said 10 Act; It is Statute, that all Citations for Interruption preceeding the same, shall prescribe within Seven Years, after the date of this (1685) if not renewed within that time; And farther, That in Citations for Interruption as to Rights of Lands and wakening thereof, Copies shall be Affixed on the most patent Door of the Paroch Church. *Jan. 7, Par. 1, cap. 14, and 15.*

That

That the time from 1 November 1688, to the 15 October 1689, be deduced from all short prescriptions. *W. and M. Par. 1, Sess. 2, Cap. 40. See Session.*

That all Summons for Interruption, be raised on a Bill, and contain the Ground and Warrants on which it proceeds, and that these Summons with their Executions, with all Instruments of Interruption be Registrat as Seafins, in a particular Register, to be thereto appointed, within Sixty Days of the Date, otherways to be of no Force against Singular Successors, and the price the halt due for Registrating Hornings and Inhibitions. *Item,* That all these Summons and Instruments already raised and taken, be Registrat as above, within a Year after the date of this Act, 9 October 1696. *W. and M. Par. 1, Sess. 6, cap. 19. Ibid.* But this Year runs not against Minors. *Sess. 7, cap. 5.*

Prices.

That Barons, Provofts, and Baillies, set Prices upon Bread, Ale, and all other necessary things Wrought and Bought, And that they appoint Prievers, Examinators. *Jam. 4, Par. 5, cap. 56.*

Ratified, and that they appoint Statutes in the Premises, and punish the Breakers, and if they Failz therein, that they incurr the pain of an Hundred Pounds. *Jam. 6, Par. 7, Cap. 121.*

That the King give Commission for setting Prices on Craftsmens Work, and Stuff, Victual, and Salt, with Power to punish the Transgressours. *Jam. 5, Par. 4, cap. 30.*

That Provofts, Baillies, and Council of Burghs, set prices on Wine, Salt, and Timber, as they Arrive at any Port: And that the King and his Lords and Gentlemen be first Served. *Jam. 5, Par. 7, Cap. 100.* Ratified, and that the Prices set be Proclaimed, and none of the saids Goods Sold for Four Days thereafter, that the saids Persons may be advertised. *Q. M. Par. 6, cap. 57.*

Prices set on Wild and Tame Fowl, and that the Buyer or Seller, that breaks the same, Tine all his Goods as Escheat, and his Person to be in Will: And in this Act the Black Cock is but Six Pennies, and the Tame Hen is Eight Pennies. *Q. M. Par. 5, Cap. 12.*

That Reasonable Prices be set on Craftsmens Work, and all Victuals, to Burgh, and Landwart by the Magistrats and Sheriffs. *Ibid. Cap. 23.*

That none bearing Charge or Office within Burgh being Merchant, Home-Bringer, or Portioner of Wine and Tim-

Timber, be a Setter of Prices on the same, during his Office, but that two Persons of **London** shall be Named at the **Mich-
aelmas** Head Court, in each **Shire**, and other Two by the
King and his Council, all Dwelling within **Burgh**, of six
Miles distant, and with them Four to be Chosen by the **Burgh**,
and that these Eight be the only Prices of Wine, and **Tim-
ber**, for that Year, and so forth to be Chosen from Year to
Year, and if the Four to be Named by the **Shire**, and the
King, be either not Named, or do not Concur, when re-
quired on Fourty Eight Hours, that then the other Four may
by themselves set the saids Prices. *Jam. 6, Par. 11, cap. 53.*

Prices of Bills and Letters, to be taken by the Clerks of
the Signet. *Jam. 5, Par. 5, cap. 61.*

Prices of Writs and Seals, to be taken by Writers, Clerks,
and Keepers, first appointed by the Lords of Session, and
then ordained by the Council in the Year 1606, and now
Ratified and Appointed to be observed in time coming, and
that Writers and Clerks, write on the back of all Writs given
out by them, and the just Price they Receive, and Subscribe
the same, under pain of Deprivation. *Jam. 6, Par. 23, cap. 19.*

There is also a farther Regulation of the said Prices and
Fees. *Cha. 2, Par. 2, Sess. 3, cap. 16.*

Prince.

A General, and Ample Ratification, in Favour of **Charles
Prince** and Steward of **Scotland**; Excepting therefore, the Al-
lignation made to the Castle of **Dumbarton**, until some other
provision be made in Lieu thereof. *Jam. 6, Par. 23, cap. 4.*

Principality.

That the Free Tenants of the Principality, give Suit and
Piefence in Parliaments, and Justice-Airs, when there is an
Prince. *Jam. 4, Par. 2, cap. 16. See it in Parliament.*

Printer.

That no Printer, Print any thing without Licence, under
the pain of Confiscation and Banishment. *2. M. 2, cap. 27.*

Priory.

That all Fencers or Vassals of Priors or Prioresses or Priory
or Nuns places, after the decay of their said Superiours, hold
of the King, as they held of them. *Jam. 6, Par. 2, cap. 38.*

Prison-House, Prisoners,

and

An Abridgement of the and Imprisonment.

That sufficient Prison-Houses be Built within Three Years in all Burghs, by the Magistrats and Council thereof on their Common-Good, or otherways on the Charges of the Burgh, for keeping their own, and all other Prisoners that shall be presented to them, but the Prisoners to be kept on their own Expence. *Jam. 6, Par. 15. Cap. 273.*

The Oversight of the Condition of Prison-Houses Recommended to the Justice of Peace, in their Instructions. *Ch. 2. Par. 1, Sess. 1, cap. 38. See it in Justice of Peace.*

If any Prisoner for a Civil Debt or Cause, make Faith before the Magistrat, that he is not able to Aliment himself the same is to be intimat to those that detain him, that they may provide or give surety for an Aliment to him, not under 3*sh. per diem*, or consent to his Liberty, which if refused, the Prisoner may be Liberat within Ten Days, without hazard: But this Act extends not to Criminal Prisoners. *W. Par. 1, Sess. 6, cap. 32.*

That no Person be Imprisoned for Custody in order to Tryal for any Crime or Offence, without a Warrant in Writ, expressing the particular Cause, and whereof the Executor or Keeper of the Prison, are to give immediately a double under his hand to the Prisoner, and all the saids Warrants, either proceeding on Informations not Subscribed, or not expressing as above, are declared Void, and the Subscriber of the said Warrants, and the Executor or Keeper of the Prison, detaining the Person so wrongously ordered to be Imprisoned, or refusing a double as said is, to be lyable in the pain of wrongous Imprisonment after set down. *Item*, All Crimes not inferring Capital Punishment, are declaredailable, in which case the person concerned, may apply to the Committer, or Lords of Justiciary or other Judge Competent to the Trial, and offer Caution to Answer for the Crime, Charged at any time within Six Months, under such a Penalty as shall be Modified, whereupon the Committer or Judge shall Cognosce if the Crime be Capital or not, and ifailable, then he is to Modify the Penalty within Twenty Four Hours, the same not exceeding, 6000 Merks the Nobleman, 3000 Merks the Landed Gentleman, 1000 Merks any other Gentleman or Burgess, 300 Merks any other Inferior Person, under the pain of wrongous Imprisonment, and on the offer of sufficient Bail, under the said Penalty to the Committer or Judge, and to the Clerk, and Instruments thereon, he is to be Liberat, or Discharged, under the pain of wrongous Imprisonment. *Item*, All Persons Imprisoned in order to Tryal, may apply to the Judge Competent, and upon Production of the Warrant of his Imprisonment.

ment, the Judge is ordained, under the pain of wrongous Imprisonment, to give out within Twenty Four Hours his Precept Direct to Messengers, for Intimating to his Majesties Advocat, or Procurator Fiscal, or Party concerned, if within the Kingdom to fix a dyet for the Trial within Sixty Days, Certifying them, that otherways the Prisoner shall be Liberat without Delay, which the said Judge is also bound to do, under the penalty foresaid, unless the delay be upon the Prisoners desire, and the Dyet perfext the Prisoner is to be delivered to be Sifted before the Judge Competent, where the Process is to be Insisted in, and finally Determined by the Lords of Justiciary within Fourty Days, and by any other Judge within Thirtty, or otherways the Dyet shall be Simpliciter Deserted, and the Prisoner Liberat, and if no Process be raised and Execute, or not Insisted in, and concluded within the said Respective Times, the Prisoner on his Application and Instruments taken, is to be set at Liberty, by Precepts to be Direct by any of the Lords of Justiciary, or other Judge Competent within Twenty Four Hours for that effect, under the pain of wrongous Imprisonment: Likeas under the same pain, it shall not be Lawful to put or detain him in Prison for the same Crime, except upon new Letters raised before the Justiciary; In which case he may be Secured, either at the Executing of the Letters, or any time thereafter before Trial, and this new Libel is to be Prosecute and concluded within Fourty Days, or otherways, not only the Dyet is to be Deserted, and the Prisoner Liberat, but he is never more to be questioned for that Crime. But in the case of Imprisonment for Treason, Fourty Days are allowed to prepare the Process before the Prisoner can apply to have a Dyet fixed, after which the Lords of Council, or of Justiciary, are requised upon Application to Issue out Precepts as in other Cases, and in case of not Insisting on Prosecuting, the Prisoner is to be Liberat on Bail, to compear any time within a Twelve Month, and for the Behaviour in the mean time, the Bail not exceeding the double in other Crimes; But this Act concerns not Imprisonment for Debt or on Sentences, nor is it to be extended to Constables or Bailiffs, nor such it Derogat from the Laws, for Bail to be given by Citizens and Landholders in the Highlands, and Commitments for, and the Prosecution of Thifts, Robberies, and Depredations there, for in the Borders, are Reserved as formerly, and without prejudice to Interior Magistrates or Justices of Peace, to take Security for the Behaviour and Peace as formerly, or to Imprison in order to Trial, for Indignities.

dignities done to themselves, or for Disobedience to Church Censures or to Imprison Vagabounds, or for Riots, or being found in Tumults, or for Drunkenness, Sabbath Breaking, Swearing, Uncleaness, Pickeries and Theiving, the Persons having Relieif by finding Bail, and Demanding a Trial as above. *Item*, In case of Imminent and Actual Invasion, Rebellion, or Insurrection, the Council, or any Five of them may Commit, the Person Committed, having his Relieif as above. *Item*, The pain of wrongous Imprisonment, 6000 *Pounds* a Nobleman, 4000 *Pounds* a Lauded Gentleman, 2000 *Pounds* any other Gentleman or Burgeiss, and 400 *Pounds* any other Person; And in case of wrongous Detention in Prison, the Detainer to pay for each Day, for a Nobleman 100 *Pounds*, for each Landed Gentleman 100 *Merks*, for each other Person or Burgeiss 50 *Merks*, and for any other Person 10 *Merks*, beside loss of Office and Incapacity, and the pain may be pursued for by the the Party before the Council, or Summarily before the Session, and the said Penalties are not to be Modified by any Authority; and this Act extended to the case of Confinements, if not consented to, or insisted by Sentence, and all Close Imprisonment Discharged beyond Eight Days, under the pain of Wrongous Imprisonment. *Item*, That no Person be Transported furth of the Kingdom, except with consent given before a Judge, or by Legal Sentence, under the pain to all Controveners of Wrongous Imprisonment, Deprivation and Incapacity, but the Action of wrongous Imprisonment Prescribes, if not Pursued in three Years, and if raised must be Insisted in Yearly. *Item*, No Member of Parliament attending, can be Imprisoned or Confined, without a Warrant of Parliament, but prejudice to the High Constable and Marshal, their Priviledge and Jurisdiction, in time of Parliament, but if any Member Comitt a Capital Crime, or there be Hazard of the Peace, any Member may Arratch, and Deliver to the High Constable for the Parliaments Cognition the next Sederunt. *W. par. 1, Sess. 9, Cap. 6.*

Probation.

An Exception, being admitted to Probation, the Lords should declare how much of it is to be proven by Writ, and the Writ should be produced *in terminis*, or Diligence for it, otherwise that the Term be circumduced, and if the Writ be produced, the other Parry may object against it, *R. M. Par. 7, cap. 63. See Prescription, as to the several Manners of Probation by Witnesses, Writ, or Oath.*

Process.

Process.

The Form of Process in Spiritual Courts, to wit, that after peremptory Citation of the Clergy-man shewing the Cause, and under the pain of Excommunication, *Litiscontestation* be made: and if the thing be confessed, that the Defender be Charged to pay within fifteen days under the said pain; but if denied that a day be assigned to the Pursuer to produce all his Proofs peremptorly, and that this day being come, another day be assigned to the Defender to produce all his Exceptions peremptorly, and then a day assigned for Sentence, so as Process be ended within Fourty Days: and that the Judge not observing the same, be condemned by his ordinary to satisfy the Complainer, *Jam. 1, Par. 6, cap. 37.*

That for Facility of Process, the same be given to the Pursuer on his Expences, paying Four Pennies for each Act thereof allenarly, *Jam. 4, Par. 6, cap. 67.*

That no Process be granted before Inferior Judges on the first Summonds, but upon Libelled Precepts, and Citation of fifteen days, conform to the Act of Parliament, *Jam. 6, Par. 23, cap. 19.* The Act is, *Ratification of the Act of Council, ancient the Prices of Writs, Seals, &c.*

Act for Regulation of Process before the Lords of Session, *Car. 2, Par. 2, Sess. 3, cap. 16.*

That in all Actions before the Lords of Session, or other Judges, where by the Act, the Pursuer is to Prove by the Defenders Oath, and the Defender to prove nothing, the Pursuer when required after the Term, and before circumducing, furnish the Defender with the Act within Fourty Eight Hours, otherwise the Defender to be dismissed. *Item,* That where Defenders depone negative in Exhibitions or Affirmative, or Negative in Furthcomings, the Clerks and Macers Dues be payed by the Pursuer, otherwise the Defender shall not be holden to Depone, *Jam. 7, Par. 1, Sess. 2, cap. 10.*

That for Dispatch, the Lords of Session advise summarly all Depositions of Parties marked by the Examiner, to be clearly Affirmative or Negative; And that there be a Lord nominate Weekly for stating of concluded Causes in the order of the Roll after hearing of Parties, and making Report which Report is to by patent a Week in the Clerks hands to be advised on the *Saturday*, and the Afternoons of other Days till the Roll be brought up, *W. and M. Par. 1, Sess. 4, Cap. 17.*

That the Minuts in order to the Reporting be made by the Clerk at the sight of the Procurators for the Parties, who

who are allowed to make their Alledgences as they think fit, and are to Subscribe the same with the Lord Reporter, and the Advocat required by the Lord Reporter, and not concurring is to be Debarred the House for a Moneth, and the Reporter is to proceed withom him, and the Act or Decreet following shall be holden as done *in foro*, *W. and M. Par. 1, Sess. 4, cap. 20.*

Procuratories of Resignation.

That Procuratories of Resignation and Precepts of Sequestration, either granted, or to be granted, continue in full Force, after the Death of the Granter, and als after the Death of the Person to whom granted, in Favour of his Heir or Assigney, providing in either cases that the Instruments taken thereon Express the Receivers Title, under the pain of Nullity, excepting from this Act Precepts of *clare constat*, *W. and M. Par. 1, Sess. 4, cap. 35.*

Production of Writs.

That all Persons may be Charged in general, or special, under the pain of Rebellion, to produce before Commissioners to be appointed by his Majestie, all Rentals of whatsoever Benefices; or Hospitals, or things pertaining thereto, with all Infeftments, Tacks, or other Rights made to them of any Kirk-Lands, Temple-Lands, Teinds, or other Kirk-Rents, that they may be Inspected, and to deliver Authentick Copies thereof, *Jam. 6, Par. 12, cap. 131.*

That all Fewers of the Temporality produce their Infeftments and Titles, betwixt and the first of *January 1598*, under the pain of Nullity, *Jam. 6, Par. 15, cap. 245.*

Profaneness.

Act against Profaneness, Ratifying the Acts, *Jam. 6, Par. 22, cap. 20.* against Drunkenness, *Car. 2, Par. 1, Sess. 1, cap. 18.* for the due observation of the Sabbath, *Ibid. cap. 19.* against Swearing and Excessive Drinking, *Ibid. cap. 38.* ordering who shall Execute the same in every Paroch, and how the Fines shall be Collected and Applied, *Car. 2, Par. 2, Sess. 3, cap. 22.* See the Heads here mentioned.

Act Ratifying all Acts against Profaneness, and particularly this Act above, *W. and M. Par. 1. Sess. 2. cap. 25.*

Act Ratifying all former Acts against Profaneness, and Impowering Presbyteries to appoint Informers and Prosecutors in their respective Bounds, *Sess. 4, cap. 40.*

All Judges, Magistrates, and Justices of Peace enjoyned

to put the Laws against Profaneness to Execution at all times, without the necessity of a Dispensation; And that against Officers, Souldiers, and all Persons, under the pain in case of Failzie upon requisition of 100: *lib. sotes quoties*, to the Poor of the Paroch, for which they are to be pursued before the Lords of Session by summar Process, *W. and M. Par. 1, Sess. 5, cap. 13.*

Act Ratifying all former Acts against Profaneness, and how Baillies are to be appointed for every Paroch, with power to Fine instantly, imprison, for Pious uses, and Advocations discharged: As also, Suspensions save on Consignation or Discharges, and in case of Calumnious Suspension, an Third more to be Decerned, and who cannot pay to be punished in his Person, with a further Recommendation to the Council, *Sess. 6, cap. 31.*

Act Ratifying all the former Acts; and in case any Person be Excommunicate, or declared contumacious by the Church, on the Account of Immorality, the Council on application by a Presbytrie, Synod, or Assembly, are to represent the said Person to his Majestie as unfit to be Employed, or continued in any publick Trust, Civil, or Militarie, *Sess. 9, cap. 11. Ibid.*

Protection.

The Breakers of the Kings Protection being Summoned on Fourty days, the Breaking shall be put to the knowledge of an Affize, whether the Breaker compear or not, and if found Guilty, he shall be unlawed in Ten Pounds, and Assist the Party, *Jam. 1, Par. 11, cap. 134.*

That the Lords of Session grant no Protections from Legal Execution, declaring that the Granter shall be lyable to the Creditor for the Sum, *Jam. 6, Par. 23, cap. 13.*

Act Ratifying all former Acts against Protections, and Discharging the Lords of Privy Council, Session, and Exchequer, to grant any, from Personal Execution, Certifying that the Granters shall be lyable for the Debt, and that the same shall not stop Execution: Yet the saids Lords; as also, the Justice General, and his Deputs may Suspend Personal Execution for a few days, against Persons appointed to appear personally before them, *Car. 2, Par. 1, Sess. 3, cap. 4.* The same again Statute, and that such as are accessory to the granting may be known, all Protections, Superfede-ries, and Licences are ordained to be signed, and the Subscribers are declared lyable for the Debt as Cautioners, and Protections are ordained to be Recorded, and that the Extract make Faith, and the foresaid Liberty of Suspending Execution,

Execution, is limited to a Moneth, and the Party citing any Person that needs a Protection, must first make Faith, that he is a material Witness; And also the Protection must bear the Cause: And Protections granted contrary to this Law, do not only not hinder Personal Execution; but if any Magistrate or Messenger, do therefore refuse to concur, he is declared lyable for the Debt; As also the Lyon, in case he refuse to Depose the Messenger refusing, to concur as said is *Car. 2, Par. 3, cap. 9.*

That no Protection be granted for hereafter in Parliament, but upon citation of Creditors on fifteen days, and that their Names and Designations be set down in the Protections; and that Protections in Parliament bear to be granted by the King, with Advice and Consent of the Estates, otherwise to be void and Null, but prejudice to the Creditor of giving Protections, reserved by the Act, *Car. 2, Par. 3, cap. 9. W. Par. 1: Sess. 7: cap. 22.*

Purprifion.

No Vassal under a Barron hath power to hold Courts, or cognosce on Purprifion, *Jam. 3, Par. 10. cap. 80.*

Who Labours, Incloses, or appropriats any part of his Majesties Common Muirs, or Communities commits Purprifion, and should be punished according to the old Law and consuetude, *Jam. 6. Par. 16. cap. 8.*

Q.

Quartering, See Forces.

ALL Free Quartering of Soldiers, Transient or Local Discharged, *Car. 2: Par. 3, cap. 3.* The Act is, For a voluntary Offer of a new Supply to the Kings Majesty.

Act regulating the Quartering of Souldiers in time of Peace, See the Act, it is very Full and particular, *W. Par. 1. Sess. 7, Cap. 9.*

That Quartering for Deficiency cease so soon as the Person Quartered upon produces the Collectors Discharge, but See the Rule of Quartering for Deficiency in the Act, *Car. 2. Par. 8. cap. 3.* and the other Acts of Supply in Supply, *W. Par. 1. Sess. 7. Cap. 10.*

Queen.

That the Prelates and Barrons make the like Oath to the Queen (the Oath is not specified; but it seems to be the like

like Oath that they make to the King) *Jam. 1, Par. 8, Cap. 109.*

All the Lords of Parliament, both Ecclesiasticks, and Seculars, and the Commissioners of Burghs promise Letters of Fidelity to the Queen, *Jam. 1, Par. 12, cap. 136.*

The Third of the Kings Rents of Assise, that is of Lands and Customs, should be Assigned to the Queen, for her Dowry and Terce allienarly, and no farther, *Jam. 3, Par. 1, cap. 2.*

Confirmation of Queen *Anne's* Contract of Marriage, whereby the Earldom of *Fife*, Lordship of *Linlithgow*, and Third of the Property of the Crown, were appointed to her in Joynture during her Life, beside her Morning Gift from the King, of the *Abbacy* of *Dumfermling*: and the Queen with advice of the King, chooses a Council for the Administration of her Affairs, which Nomination is also Ratified, *Jam. 6, Par. 13, cap. 191.*

Ratification of Queen *Anne's* Infeftment of the Lordship of *Dumfermling* to her, and the Heirs of her Body betwixt her and the King, which failzieing, to King *James*, his Heirs and Successors, succeeding to the Crown of *Scotland*: As also, of all Deeds made and granted, or to be made and granted by her, with advice of her Husband and Council, of the said Lordship, or any part thereof in manner set down in the Act, *Jam. 6, Par. 21, cap. 10.*

Ratification of a Supplement of Four made by Queen *Anne* of her Conncil, in place of so many of the former Nomination deceased, and conform to, and in the terms of the said Act, *Jam. 6, Par. 22, cap. 11.*

Quots of Testaments.

That no Quots of Testaments, Confirmed since the sixteenth of *November* 1641, or to be Confirmed in time coming be exacted, *Car. 2, Par. 1, Sess. 1, cap. 28.* But this Act Repelled in Favours of Bishops, *Ibid. Sess. 2, cap. 1.*

That the Quot be only payed for the Free Gear in Testaments, and that for Instrucing, Creditors may be called, and also their, and the Executors Oath taken, as to the reality of the Debt. That Executors Creditors pay no Quot, in so far as effeirs to their Debt: And sic-like of Relicts confirming for their Provisions, in so far as Extends to five years Purchase of the Liferents Confirmed for, that poor People not worth Forty Pounds, their Confirmations be free of Quot; And for Fees of Court, that they pay only two Pounds eighteen shillings; That Heretable Debt where there is an Heretable Estate, Default nor of the Testament in Diminution of the Quot. That there be no Divi-

Sons in Testaments in Favour of the Relict, where she is excluded, or in so far as she is excluded, and that this Exclusion be probable by her Oath; And that Commissar, Clerk, Fiscal, or other Member of Court Contraveening this Act, be Deprived without Re-admission, *Car. 2, Par. 2, Sec. 1, cap. 19. See Testaments.*

But the Act, *Cha. 2, Par. 1, cap. 28.* Discharging Quots of Testaments revived; And all Quots, or Bonds for Quots Discharged since the Abolition of Prelacy in the Year 1689, but prejudice of Commissars, their Clerks and Fiscals their counting for bygone Receipts, *W. Par. 1, Sec. 9, Cap. 14.*

R.

Ratification.

Ratifications in Parliament are to be understood, *Salvo Jure Cujuslibet, Jam. 6, Par. 12, cap. 130. and Par. 14, cap. 215.* And that whether the same be general or special, *Par. 18, cap. 20. and Par. 19, cap. 9. See Parliament.*

Ravishing.

That Ravishers of Women be put under Soverry as in the Crimes of Slaughter and Mutilation, *Jam. 5, Par. 7, cap. 118.*

The subsequent Consent or Declaration of the Party Ravished, that she went along of her own free will, albeit it may Exceem from Capital Punishment, yet if at the Instance of the Womans Kins-folk, or his Majesties Advocate, it be found by an Assize, that the Deed was at first violently done; It doth not Free such as are Guilty from the Arbitral Punishment of Confiscation, Warding, or Fining, *Jam. 6, Par. 21, cap. 4.*

Rebel, and Reset of Rebels Criminal. See Sheriff and Treason.

That none Rebell openly against the Kings Person, under the pain of Forfeiture, *Jam. 1, Par. 1, cap. 3. and if any refuse to enforce the King against such Rebels, they shall be challenged as Favourers of them, Ibid. cap. 4. See Treason.*

That none Reset, or do Favour to manifest Rebels, against

gainst the King and Common Law, under the pain of Forfeiture, *Jam. 1, Par. 2, cap. 37.*

That where Rebels are relet within Castles, or where there is Presumption violent, of Rebellion, the Lieutenant raise the Countrey, and pass to such Houses and Arrest the Persons, and cause them find Soveryty, *Jam. 2, Par. 2, cap. 3.*

That none Rebelle against the Kings Person or Authority, and whose Rebels, to be punished, after the quantity and quality of their Rebellion by the advice of the three Estates, and if any openly Rebelle against the King, or make War against the Leidges, against his forbidding, that the King gang upon them, with the Assistance of the whole Land to punish them, *Jam. 2, Par. 6, cap. 13.*

And who assists in red, comfort, counsel, or Maintenance, such as shall be Justified for the saids Crimes, fra the saids Crime be nottour, or the Trespassour convict, that he be punished as the Principal, *ibid. cap. 14.* This Act in the old Copy, is a part of the Former: And it is evident that the Title prefixed to it in *Sheens* Copy, viz. of them who seeks Revenge for Trespassours Justified, is Forraign and improper, and hath been prefixed by a Mistake.

That the Sheriffs, Baillies, and others, do all Diligence to apprehend all Rebels at the Horn for Crimes Capital, and that no Man wittingly Refet, Maintain, Supply, Defend, or do them Favour under the pain of Death, and Escheat of Moveables, *Jam. 5, Par. 7, cap. 97.*

Persons Denounced Rebels, should be Repelled *ab agendo*, *Jam. 6, Par. 6, cap. 75.*

All Acts against the Refet of Trainours and Rebels Ratified, And that none Supply or Intercommun with them, or give them any Relief, or Comfort, but that all do their uttermost to Apprehend or Expel them, under the pains due to the Rebels. *Jam. 6, Par. 12, cap. 144.*

Fraudful Dispositions, or simulat Gifts of Escheat Exclude not the the Thesaurer from Intrometing with the Escheats of Rebels for Odious Crimes, the Goods being still in the Possession of the Rebel, his Wife, Bairns, or Friends, on the Ground, or in the House Possessed by him before he was Rebel, or in the House where he hath since been Refet, and the Thesaurer should cause detain and keep their Houses on the readiest of the Escheat Goods. *Ibid. cap. 145. See Escheat and Treason.*

Ratification of the Acts, *Jam. 6, Par. 12, cap. 144.* For Apprehending, and against the Refet of Rebels, with a most strict Proclamation of Council thereon founded for that effect, dated 8th July 1682, *Jam. 7, Par. 1, cap. 25. b. 2.*

25. but this Act Rescinded. *W. and M. Par.* 1, *Sess.* 2, *cap.* 28.

Red-Fish, *see* Salmond. Redemption, *see* Reversion.

Decretes of Redemption upon lawful Premonition, and Citation of the lawful Contradictor, and who was also Summoned for Production and Improbation, of all Writs that might prejudice the Reversion, and produced none but for Obedience, hath Renounced the Lands and Others in the Decree, cannot be again quarrelled at the Instance of any Person in any sort, *Jam.* 6, *Par.* 12, *cap.* 134.

That Annualrents Redeemable, may be Redeemed by payment of the Principal and bygone Annual at Ten per cent, albeit the Security was given for greater Annual. *Ibid.* *cap.* 135, *See* it in *Annualrents*.

Reel.

That in the length thereof be Ten Quarters at the least. *Cha.* 2, *Par.* 1, *Sess.* 1, *cap.* 43. The Act is, *Act Discharging the Exportation of Linnen Tairn*, *See* it in *Linnen Tairn*.

Regalities, and Baillies thereof, *see* Sheriff.

That Regalities in the Kings hand, while in his hand, be holden as Royalty, and Justified by the Justice, and that the Free-holders thereof Compare at Justice Airs, pay Suits within the Shire, and to Parliament, as Free-holders of the Royalty. *Jam.* 2, *Par.* 6, *cap.* 25.

That all Regalities now in the Kings hand, be Annexed to the Royalty, and that no Regalities be granted in time coming without Deliverance of the Parliament, *Jam.* 2, *Par.* 11, *cap.* 43.

That the Privilege of Regals be observed, but not abused against the Kings Law. *Jam.* 2, *Par.* 14, *cap.* 72.

The Officer of the Regality being negligent in Executing the Acts against Rebels for Capital Crimes, the Sheriff may do the same within the Regality. *Jam.* 5, *Par.* 7, *cap.* 97.

As in the Royalty the Fines of the Act of Apparel, *Jam.* 6, *Par.* 7, *cap.* 113. are divided betwixt the King and the Sheriff, so in Regalities, the one half is appointed to the Lord of Regality, and the other half to the Bailly, *Ibid.*

That

That where the Justice General, or Kings Justice in that part, by Commission Summonds any Offender Dwelling within Regality, the Bailly of the Regality may Re-pledge, if he have prevented by Citation otherways not, but only he may be adjoined. No Bailly or Stewart of Regality may Re-pledge from the Justice Air, but only be adjoined to the Kings Justice, without prejudice in both cases to their Share of the Penalties and Unlaws. *Jam. 6, Par. 11, Cap. 29.* The Act is, *Annexation of the Temporalities of Benefices to the Crown.*

Ratification of all Liberties and Privileges Granted to Burghs Regal. *Jam. 6, Par. 18, cap. 16.*

All Regalities pertaining to any Benefice whatsoever, except Arch-Bishopricks, declared to pertain to the King and his Successors for ever. *Cha. 1, Par. 1, cap. 13.*

The Office and Duty of Baillies of Regality briefly reckoned. *Cha. 2, Par. 1, Sess. 3, cap. 15.* The Act is, *For inbringing of his Majesties Rents, It is only done obiter.*

Magistrats of Burghs of Regality, may Arrest none for Debt, except their own Burgessees. *Cha. 2, Par. 2, Sess. 3, cap. 8.*

The Liberties of Burghs of Regality as to Trade, See in *Burghs.*

Regent of the Realm.

Ratification of the Dimission and Renunciation of Queen Mary, in Favours of her Son King James the Sixth, at also of her Nomination of James Earl of Moray to be Regent to him, his Realm and Leidges, aye and while he be of the Age of Seventeen Years Complear. *Jam. 6, Par. 1, cap. 1.*

Ratification of the Nomination and Acceptation of the Earl of Mar to be Regent, during the said space. *Jam. 6, Par. 2, cap. 34.*

Ratification of the Nomination, and Acceptation of the Earl of Moray to be Regent, during the Kings Minority and less Age. *Jam. 6, Par. 3, cap. 44.*

Register, and Registration, see Writs.

That the Kings Register and Rolls be put in Books, *Jam. 5, par. 5, cap. 40.* And that the Exchequer Rolls be altered and made in Books of Parchment, *Cha. 2, par. 2, Sess. 3, cap. 16.* concerning the Exchequer.

That

That the Clerk of Register cause Print the Acts of Parliament, *Jam. 5, par. 7, cap. 127. See it in Parliament.*

That Horning, Inhibitions, and Interdictions, with their Executions, be Registrat, and where and in what manner, See under these several Heads.

That all Reversions, Regresses, Bonds, and Writs for making the same, Assignations thereto, Discharges thereof, Renunciations of Wadsets, Grants of Redemption, and all Instrument of Seafin, be Registrat in the General Register, to be appointed by the Clerk-Register at *Edinburgh*, or in the particular Registers, specified in the Act within Threescore Days, after date of the same, but Bonds and Writs for making Reversions, and Regresses need not be Registrat, except within Sixty Days, after Seafin taken by the makers thereof, and Extracts out of the said Registers, are declared to make Faith in all Cases, except in the Case of Improbation; and any of the said Writs not Registrat as said is, are decerned to be Null, in prejudice of a Third Party, but not against the Maker thereof and his Heirs, but Seafins and Reversions therein contained, given by Magistrats of Burghs, of Lands within their Liberties, holden in Free Burgage, and all other Heretable Rights thereof, with Reversions Incorporat in the Infeiments of the Parties, against whom they are used, are excepted from this Act; As also Renunciations or Grants of Redemption, configned in Process, are only to be Registrat within Sixty Days, after the date of the Decrets, ordaining them to be given up, and this Registration of Writs, is Annexed to the Clerk-Registers Office, and is to be made by him and his Deput, within Fourty Eight Hours after the Receipt of Writs, under the pain of Deprivation of the Clerk of his Place and Office of Notary, and that they deliver back the Writs, marked with the Day, Month, Year, and Leaf of the Registration, and take only Twenty Six *shillings* Eight *penmes*, as the price of ilk Leaf, and the saids Registers to be marked by the Clerk-Register, or his Deput, with a Note of the Number of Leaves, and that when filled up, they be returned to the Clerk-Register to be patent, and Extracts thereof given. *Jam. 6, par. 22, Cap. 16, Anno 1617.*

That Instruments of Resignation *ad remanentiam*, be Registrat hereafter, within Sixty Days after the Date, otherways they are Null; but Instruments of Resignation of Burgage Lands, being Registrat in the Books of the Burgh, tall not within the said Certification. *Ch. 2, Par. 2, Sess. 1, Cap. 3, 16 November 1669.*

The

The Act 1617, Extended to all Lands within Burghs and their Liberties, and to all the foresaid Writs concerning the same, notwithstanding the exceptions abovespecified, and that Town Clerks keep a several Book for their Registration, Depending only on the Magistrats, and not the Clerk-Register, with a Minut Book, to be By them quarterly Compared, and Signed conform to the Act. *Cha. 2, Par. 2, Sess. 3, cap. 16.* The Act is, *Ancient the Regulation of the Judicatories, and containing also the Prices of Resignations, and Cha. 2, Par. 3, cap. 11.*

That Charters passing at the Great Seal, after the Appending of the Seal, be delivered back by the Keeper to the Director, that he may Registrat the same; And that all Writs already past the Great Seal, may within a Year from the Date of this Act, be returned to the Director, who shall Registrat the same *Gratis Jam. 6 Par. 23, cap. 24, Anno 1621.*

That all Chartors and other Writes, hereafter passing the Great and Privy Seals, be first Registrare by the Writers thereto, in the Registers therot, and the Writing and Registration attested on the back, and that they keep a perfect Minute-Book of the same, and that no keeper append the Seal to any Write not attested, to be Registrat, *Cha. 2. Par. 2, Sess. 3, cap. 7.*

Act appointing how the Registers of Hornings, Inhibitions, Interdictions, Seafins, Reversions, and others, with their Minut-Book, should be kept. *Cha. 2, Par. 2, Sess. 3, Cap. 16,* Where the prices for inspection are set down, The Act is, *Ancient the Regulation of the Judicatories.*

That all Clerks who keep Registers in use to be delivered to the Clerk-Register to be kept in the general Register-House, do only keep Ten Years Records in their hands for the use of the Leidges, under the pain of being punished, as the Lords of Session shall see cause, *Jam. 7, Par. 1, cap. 33.*

That there be only Three Offices of ordinary Clerks of Session, and no more than Two persons in each Office, who are to have the sole Right to be Clerks to all Processes, Registrations, and Extraings before the Session. *Item,* That they appoint Deputes in each Office, for receiving in Writes to be Registrare, who are to find Caution for the Registrating, and safe preserving thereof, and Writes so given in, are to be Registrat in Books a part, within a Year, and may be taken up within Six Months of the ingiving, but not after Bookin, and Two Minut-Books, one for ingiving, the other for ourgiving.

are to be kept; And these Registers given in to the General Register-House, *See the Act.* Item, That Warrants be kept in a secure Room, distinct from the Registers, and that that the Clerk-Register Visit the Registers in every Chamber once a Year. Item, That no Clerk of Interiour Courts Registrare for conservation, or where Execution is to pass without the Jurisdiction, under pain of deprivation and 500 Merks, of Penalty, half to the King, half to the party Pursuer. Item, The Clerk-Registers Fee augmented from a Merck to Twenty shilling, *Jam. 7, Par. 1, cap. 38.*

That where, a Write to be Registrare, bears on the back that it was presented and Registrat, it be a sufficient security, albeit it be not found in the Register, but that keepers of Registers omitting or negligent, be punished as Forgers of Publick Registers, and lyable in the Parties Damage, *Jam. 7, Par. 1, Sess. 2, Cap. 19.* But the first part of this Act Rescinded and declared, that no Seafin or other Write to be Registrare, be of force against any save the Granter, unless it be duely booked and insert in the Register, but the rest of the Act ratified, and the Airs of negligent keepers made lyable for Damages, tho no Action raised in the Keepers Lifetime, *W. Par. 1, Sess. 6, Cap. 18.*

That all the Keepers of the Registers of Seafins Reversions, Hornings, Inhibitions, Interdictions and allowances of Appryngs or Adjudications, keep Minut-Books, expessing the Day and Hour, which with the Name and Designation of the Presenter, and that it be signed by the Presenter and Keeper, and patent to all *Gratis*, and that the Writes be Registrare in that order, under the pain of Deprivation of the Keeper, and of his being lyable to the Parties Damages, *W. and M. Par. 1, Sess. 4, cap. 14.*

Writes Registrable, may be Registrare after the Death of the Creditor, at the instance of his Heir or Executor producing a Service or confirmation at the nature of the Writ is, or of his Assigney producing a special Assignment and that as effectually as if the Creditor were on Life, *W. and M. Par. 1, Sess. 4, cap. 15.* And so they may be also be Registrare, after the Death of the Granter, *Sess. 6, cap. 39.*

Chartours granted by subaltern Superiours may bear a Clause of Registration, but only to be Registrare in the Books of Session, *W. and M. par. 1. Sess. 4, cap. 35.*

Re-

Regratours, *see* Forestall-
lers.

Relaxation, *see* Horning.

A man slayer denounced, and thereafter Relaxed, it he be thereafter denounced for the same cause, the former Relaxation avails not, but his Rebellion runs, and is reckoned from the first Denunciation, *2. M. par. 6, cap. 31.* The Act seems also to intimat. That albeit a person be denounced, yet if he thereafter compear, and be acquit, his former Rebellion prejudices him not, how, and where Relaxations are to be made, and Registrat, *Jam. 6, Par. 6, cap. 75.* The Act is, *for punishment of persons that continually remains Rebels &c.* See it in *Hornings*

Releif.

That no Releifs be componed, but the true avail thereof compred for, and payed in Exchequer that on the sight of the Responde Book, Letters be directed, to Charge and poid, either the party or the Sheriff, or both, but the Sheriffs Discharges, Exoners the Party, *Jam. 6, Par. 11, cap. 74.*

Religion.

That none Bear Office removable in Judgement within this Realm, or be Procurator, or Nottar, or Member of Court; but such as profess the Religion now established. Excepting theretrae, such as have Offices Heretable or in Liferent, *Jam. 6, Par. 1. Cap. 9, Anno 1567.* Extended to all Offices, without exception or Restriction, *Jam. 6, Par. 20, cap. 5.* The Act is, *Act against Jesuits, &c.*

An Act made by Queen Mary 19 April 1567, Granting impunity to all the Professors of Religion then received, abrogating all Laws against them, and taking them into her protection, Recorded, *Jam. 6, Par. 1, cap. 31.*

That none be repune Loyal Subjects, but be punishable as Rebels against the King, that professes not the true Religion, and if any such Professors make detaction from the Kings Authority, that they be admonished by the Ministers to return to duty, and if they failzie, that they be Excommunicat, and that before they be recived to his Majesties Mercy, they renew their profession, and promise to maintain his Majesties Authority; As also, the true Religion against all Enemies, specially these called of the

Holy League, bound to Execute the Decretes of Trent, *Jam. 6, par. 3, cap. 47. The Act is, Adversaries of the True Religion, &c.*

That persons going out of the Kingdom for farther Knowledge in Letters, have the Kings Licence, which shall contain this provision, that they shall adhere to the True Religion, and do nothing against it under the pain of Baratry, and that within Twenty dayes after they return, they make and give before their ordinary, the Confession of their Faith as now established, or otherwayes devoid the Kingdom, within Fourty dayes thereafter, or be pursued as Adversaries to the Religion, *Jam. 6, Par. 6, cap. 71. The Act is, Anent the Youth and others beyond Sea, &c.*

That no Subjects, or Strangers (except Ambassadors, Messengers, or Merchants) Adversaries of, or Apostates frae the true Religion return to, or remain within this Realm, unless they obey the Law, anent giving of their Confession of Faith; And that in the mean time, they repair not to the Kings presence, or Palace, under the pain of Imprisonment, until they find soverty, under the pain of Five Hundred Merks, to satisfy or depart, and that in the mean while, they shall not seduce, that the Makers, Sellers, Homebringers, or Dispersers of Erronious Books, incur the pain of Banishment, and Confiscation of all their Moveables, *Jam. 6, Par. 7, cap. 106. That Act is, Against Fugitives, and other Papists, practising the True Religion.*

Magistrates of Burghs with a Minister, may search for and destroy Erronious Books, and put the Homebringers in Ward, until they be punished in person, and Goods at the Kings Will, *Jam. 6, par. 11, cap. 25.*

Ratification after the Kings Majority of all Laws already, anent the Religion then, and now protested, with an expresse Abrogation of all Laws or Statutes contrary thereto *Jam. 6, Par. 11, cap. 25. Anno 1587.*

Ratification of all Laws made against the Adversaries of the same True Religion, and the Seducers, or Perswad-ers to decline the same, that any protested Papist, or Seminary Priest found within (probably it should be after) the space of a Moneth, after the publication of the Acts, of this Parliament, shall incur the pain of Death, and Escheat of Moveables, and their Referrers and Suppliers, by the space of Three Days, and Three Nights, Time their Liferents; All Sayers and Hearers of Mass, Protectors of the Sacraments, persons suspected to have declined, withdrawn from the Preaching of the Word, Seducers by rea-soning

soning, or Dispersers of Books, or Letters, being called before the Council, or Justices, and convict, incur the Tinsel of their Moveable Goods, and Litterent, *Ibid.* Cap. 24.

Saying of Mass, and the resetting of Jesuits, Seminary Preists, and Traffiquing Papists, against the King and the present Religion, infer the Crime, and pain of Treason, both against the person reset, and their Resetters, but if the Jesuites, and Preists shall satisfy the King, and Kirk, their Resetters are free, *Jam: 6, Par. 12, Cap. 120.*

And reset for three Nights together, or at several times, infers the same to be willingly done, and the pains are declared to be for the first Fault simple Escheat, for the second Litterent Escheat, and for the third the pain of Treason, and Foretaulture, *Jam: 6, Par. 13, cap. 164.*

That none have the benefite of the Act of Pacifications, 1572. And Act of Oblivion 1585. Except such as profess the present True Religion, and acknowledge the Kings Authority, *Jam: 6, Par. 12, cap. 123.*

That all Jesuites, Seminary Preists, Excommunicat, and Traffiquing Papists, common Enemies to all Christian Government, be apprehended, and committed by all Magistrates, until they be converted, or put out of the Kingdom, or punished, conform to the Acts of Parliament, and that none reset them under the pains following, The Earl, a Thousand Pounds, the Lord a Thousand Merks, the Baron Five Hundred pounds, the Free-holder, Three Hundred Merks, and the Yeaman, Fourty pounds, and the Burgesse as the Council shall modifie, not exceeding a Hundred Pounds, *Jam: 6, Par. 16, cap. 18.*

That all wilfull Resetters of Excommunicat denounced Papists, after publication made by the Minister of the Paroch, pay the penalties of Non-Communicants, which are the same with these in the Act immediatly preceeding, *Jam. 6, Par. 19, cap. 10.*

All Acts against Jesuites, Seminary Preists, Papists, and their Resetters, Ratified, declaring as to their Resetters, that Intimation, and denunciation made at the head Burgh of the Shire, and Mercat Cross of *Edinburgh*, shall be sufficient to put them in *mala fide*, *Jam. 6, Par. 20, cap. 5.*

Ratification of all Acts anent the Liberty and freedom of the true Kirk of God, and Religion presently professed in Realm, *Chs. 1, Par. 1, cap. 4, Anno 1533.*

That all Jesuits, Preists, and Traffiquing Papists, betwixt and the last of March next 1661, Remove forth of

the Kingdom, under the pain of Death, *Cha. 2, Par. 2, cap. 8.*

The King with advice of Parliament declares his full and firm Resolution, to maintain the True Protestant Religion in its purity of Doctrine and Worship, as established in his Fathers and Grand-Fathers time, and to promote the power of Godliness, and encourage the Exercise of Religion, and suppress all Prophaneacts, and to give countenance and Protection to the Ministers, behaving as becomes: As also to settle the Government of the Church, as shall best suit Gods Word, Monarchy, and the Kingdoms Peace, and in the mean time continues Kirk-Sessions, Presbyteries and Synods, notwithstanding the Act Rescissory, *Ibid. cap. 16.*

Ratification of all Acts anent the True Church and Religion presently professed, and all Private Meetings in Houses, under the pretence of Religious Exercises are discharged, *Cha. 2, Par. 1, Sess. 2, cap. 4.* The Act is, *Concerning Masters of Universities, Ministers, &c.*

Ratification of all the Acts for settling and securing the Liberty of the true Kirk, and Protestant Religion, presently professed within this Realm, And all Acts against Popery, *Cha. 2, Par. 3, cap. 1.*

Act requiring all Judges, and Officers, to put the Laws against Popery, and Papists, and against Fanatical Separatists, and all Fanatick Disorders, to full and vigorous Execution, and that every Minister give up Yearly in *October*, Lists of all such in their Paroch, to the Bishops; And that the Bishops transmit a double thereof, for Execution to Judges Ordinary, who are to give an account of their Diligence to the Council Yearly in *December*, and another double thereof to the Clerks of Council, whereupon the said Diligence may be Examined. and Controlled, *Cha. 2, Par. 3, cap. 6.* That Act is, *Act anent Religion and the Test.*

Ratification of all Acts and Statutes, for the security and Liberty of the True Church of GOD, and the Protestant Religion presently professed, *Jam. 7, Par. 1, Cap. 1.*

Act Ratifying and Confirming all Laws and Acts against Popery and Papist, and for Maintaining the True Reformed Protestant Religion, *W. and M. Par. 1, Sess. 2, cap. 5.* See *Confession of Faith, and Kirk.*

Ratification in favours of the True Protestant Religion as at present owned and settled in this Kingdom, *Sess. 9, cap. 2.*

Re-

Remission, and Respite.

where Remissions are given, with Condition to Assure the Party, yet the Case of Highlandmen is excepted, and Modification of Mends appointed to be made in their Case, as in the Act, *Jam. 1, par. 2, Cap. 46.*

He who takes him to his Remission for Theift or Reiff, should find sicker Burrows, to content the Party within Fourty Days, *Jam. 2, par. 14, cap. 74.*

That no Respites be Granted, and that they are more against Justice, than plain Remissions. *Jam. 3, Par. 13, cap. 94.*

That Remissions Express, and Declare the greatest Crime, or otherways shall not save from a greater Crime, then the special Crime expressed. *Jam. 4, Par. 6, cap. 62.*

That no Remission be given for Slaughter on Forethought Felony, and this Statute to endure till specially Revoked By his Majesty *Ibid. cap. 63.* who takes him to the Kings Remission, or Respire, for any Action, except Slaughter and Mutilation; and finds Sovery to Assure the Party, the Soverties may be called before the Lords of Session, and the Action is priviledged as in Recent Spulzies as for Slaughter, and Mutilation, that the Order of the former Act be kept, *Jam. 5, Par. 3, Cap. 7.* What is meant by this former Act, is not express, It may be the former Act forbidding Remissions.

General Remission of Treason, Granted by King James the Fifth, *Jam. 5, Par. 6, cap. 92.*

The King at the desire of the States, closes his Hands from the Granting of Remissions, or Respites for Three Years: That the Remissions bear the Party to be Assured, and if the contrary be found, the Remission to be Null. *Jam. 6, Par. 8, cap. 136.*

The King at the Request of the Estates, Promises to close his Hands, from Granting any Respire, or Remission, for any Odious Crime, shall be Committed, for Five Years thereafter, except upon a sufficient Letter of Slayns-shown: And if any Remission shall be otherways Granted, it is declared Null, and the Act provides for Assurements as to Crimes past, *Jam. 6, Par. 12, cap. 155, Anno 1592.*

Ratified, specially as to the Letter of Slayns, and that no Respire, or Remission be admitted, except Compound, and Subscribed by the Thesaurer, at least past in his Register, *Jam. 6, Par. 13, cap. 169.*

That no Remission or Respite be Granted, to a Son at the Horn, for Theift, Reiff, Slaughter, Whoring

the Kingdom, under the pain of Death, *Cha. 2, Par. 2, cap. 8.*

The King with advice of Parliament declares his full and firm Resolution, to maintain the True Protestant Religion in its purity of Doctrine and Worship, as established in his Fathers and Grand-Fathers time, and to promote the power of Godliness, and encourage the Exercise of Religion, and suppress all Prophaneities, and to give countenance and Protection to the Ministers, behaving as becomes: As also to settle the Government of the Church, as shall best suit Gods Word, Monarchy, and the Kingdoms Peace, and in the mean time continues Kirk-Sessions, Presbyteries and Synods, notwithstanding the Act Rescissory, *Ibid. cap. 16.*

Ratification of all Acts anent the True Church and Religion presently professed, and all Private Meetings in Houses, under the pretence of Religious Exercises are discharged, *Cha. 2, Par. 1, Sess. 2, cap. 4.* The Act is, *Concerning Masters of Universities; Ministers, &c.*

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That no Remission or Respite be Granted, to son at the Horn, for Theift, Reiff, Slaughter, Warring

or Heirship, while the Party Skairhed be Satisfied, otherways that the same be Null, unless it be Granted for Pacifying the broken Countries and Borders, *Ibid. Cap. 174.*

That if his Majesty Grant his Pardon, for any of the Crimes contained in this Act, the Party shall be restored to all Intents, as if he had never been Pursued, *Cba. 2, Par. 1, Sess. 2, cap. 2.*

The Act is, *Act for preservation of his Majesties Person, Authority and Government*; The Act contains Crimes of Treason and Sedition, *See Indemnity, Obivion, and Penal-Statutes.*

Removing, *see* Warning.

That Tennents Labouring, and Inhabiting, cannot be Removed upon the change of the Lands, to a Singular Successor, but at the *Whitsunday* thereafter, *Jam. 4. par. 3. cap. 26, See it in Tennent.*

That Removings be made in quiet manner without Convocation, under the pain of Unlawful Convocations, *L. M. Par. 3. cap. 3.*

The Order of Redemption being duly used, and the Party, and all other Occupiers, Lawfully Warned before any *Whitsunday*, after the the Redemption the Order being declared, the Party shall be lyable as a Violent Possessor, for the said Term, as if the Land had been Granted Lawfully Redeemed, the time of the Order, *L. M. Par. 6. cap. 30.*

That Removings proceed upon Lawful Warning (as in *Warning*) and that the Summonds of Removing be on Six Days, and if at the Day of Compearance, the Defender make Allegiance, and offer to improve the Indorsation, that then he be put to find Caution instantly for the Violent Profits; That for Discussing of Removings, Sheriffs, and all Judges having Jurisdiction, sit in Lawful Courts, the whole Fifteen Lawful Days, after *Trinity Sunday*, and if the saids Judges Grant not Proceps, and do not Justice, that they pay to the Party all his Damages, *Ibid. Cap. 39.*

That the Legal Term of Removing in Burgh and Landwart, be the Fifteen Day of May, upon Fourty Days Warning of before, *W. and M. par. 1. Sess. 2. cap. 39.*

Rentals.

at all Rentals of the Kings Property, not being to Men, and their Heirs, have only the effect of *nause? Liferents, Jam. 6. Par. 11. cap. 69.*

Repled-

Repledgiation.

Where Repledgiation is Lawfully made, the Process Led in the contrary is of none Avail, *Jam. 6, par. 11, Cap. 29.* The Act is, *Annexation of the Temporality of Benefices to the Crown, See Regality.*

Rescissory Acts.

An Act Rescinding the Committees and Parliaments that sat after the Parliament 1648, and all their Acts, Excepting such as were past in Meetings of Parliament, or Committee Authorized by his Majesties Presence, and not inconsistent with this Act, And also Indemnifying all those that Acted in all the saids Committees and Parliaments, or by vertue thereof, except, as to be hereafter, excepted in this Parliament, *Chas. 2, Par. 1, Sess. 1, Cap. 9.* The Act is, *Act approving the Engagement 1648 &c.*

An Act Rescinding the Parliaments 1640, 41, 44, 45, 46, 47, and 1648. And all their Acts, but Indemnifying those that Acted in, or by vertue thereof, (except as to be excepted in this Parliament) And also declaring, all Acts Rights, and Securities, past in these Meetings, or by vertue thereof, in Favours of any particular Person, for their Civil, and Privat Interest, to stand Good, untill Considered and Determined in this Parliament, *Ibid. cap. 15,*

Resignation.

Procuratories of Resignation *ad remanentiam*, should be Sealed, and Subscribed by the Granter, or an Notar for him, or if the Vassals make the Resignation Personally, then the Instrument should be so Sealed, and Subscribed by him, otherways the Resignation makes no Faith. *2. M. par. 6, cap. 38.* This Act Dispensed with for by-gones, and until the first of March 1563, *2. M. Par. 9, cap. 81.*

Instruments of Resignation *ad Remanentiam* should be Registrat, *Chas. 2, Par. 2, Sess. 1, cap. 3, See Registration.*

Retour, see Precepts.

The Retour should contain the old avail, and also the True Avail the Lands are worth, the time of Serving of the Brieve, *Jam. 3, Par. 7, cap. 56.*

That Heretable Annualrents, be only Retoured to the Blench, or other Duty, contained in the Bond or Indentment of Annualrent, *W. and M. Par. 1, Sess. 2, cap. 42.*

Rever-

An Abridgement of the Reversion.

That Reversions be effectual, upon Payment of the Sum therein contained, against the Singular Successor of the Granter, and they may be Registrat for Conservation, and that the Extracts make Faith as the Principals, *Jam. 3, par. 5, cap. 28.*

That all Reversions, Bonds, and Discharges thereof, be made under the Seal, and Subscription of the Granter, and if he cannot Write, that he Subscribe by an Notar, and that all Writings bearing or for giving Reversions make no Faith, unless Registrat in Judgement in the Books of some Ordinary Judge, except Instruments of Reversion within Burgh, taken the time of the Resignation, and Sealin before the same Witnesses, which are declared to make Faith, *Q. M. Par. 6, cap. 29.*

That where Reversions contain special Gold, or Silver; not now to be had, the Reverser may Redeem by giving Gold and Silver, having course for the time, of the same Weight, Value and Fineness, *Ibid. Cap. 37.*

Revocation, See Annexation, and Dissolution.

Revocations of all Alienations of Lands, and Goods, that were in King *James* the first his Possession the time of his Decease, made without Consent of the Three Estates, and that an Inventar be made of the Kings Goods, and none of his Lands Annailized without Consent of the Three Estates, until he be of the Age of Twenty one Years compleat, otherwise the said Alienation to be null, *Jam. 2, Par. 1, Cap. 2.*

Revocation by King *James* the third of Alienations prejudicial to his Heirs and Crown, conversions of Waird holdings unto Blanch, making of Tailzies, as being against Conscience, or Gifts of keeping of Castles longer than during will, *Jam. 3, Par. 9, cap. 71.*

Revocation by King *James* the Fourth, of all Deeds done by King *James* the Third, after the second of February 1488, as granted for the Assistance of the Perverse Council, that were against the Common Good of the Realm, and cause of his Slaughter, *Jam. 4, Par. 1, cap. 5.* And that the Receivers of these Gifts and Deeds, bring in the same within Forty Days to be Destroyed, *Jam. 4, Par. 2, cap. 22.*

Revocation of all Gifts and Deeds granted by King *James* the Fourth, since his Coronation, *Jam. 4, Par. 2, cap. 10.*

Re-

Revocation of all Gifts given by King *James the Third*, after the second of September 1487. As also, of all Resignations received by him, and Inseftments thereon after the said day, in prejudice of the righteous Heirs, as being granted by the King, misled by ill Counsel, and the same are declared to be void and null, *Jam. 4, Par. 4, cap. 50.*

Revocation by King *James the Fourth* at his perfect Age, after the privilege of Common Law, whereby upon the Ground of Lefion and his Coronation Oath, he Revokes;

1. All Alienations made by himself, or his Predecessors of Lands, and others annexed to the Crown, or to the Principality.
2. All Gifts and Grants made in his none-age; As also, Gifts of Offices for Terms, and Tacks of long Term.
3. All Tailzies from Heirs general, to Heirs-male.
4. All Possessions pertaining to him, or his Predecessors.
5. All Change of Holdings, from Ward to Blanch.
6. All Regalities and Offices given in Heretage against the Acts of Parliament.
7. All Gifts of Bastardies, or other Casualties given by him in his Minority.
8. All Erections and Unions of Lands in Baronies, and Discharges of Services and Suits.
9. All Creations of Baronies in Lands annexed.
10. All Gifts of Patronages.
11. All things that the Common Law allows to be Revoked.

And lastly, all Things done in hurt of his Conscience or Crown, protesting that His Majesties Tollerance shall not prejudice his Right: As also, he Revokes all Confirmations where Lands, or the greatest part of them were Annalized of before, and the same not known to His Majesty, excepting from this Revocation, the Lands given to the Earl of *Dorsetwell*, and Sir *John Ross*, *Jam. 4, Par. 4, cap. 51.*

Revocation by King *James the Fourth*, of all Deeds, Donations, Acts of Parliament, or others hurtful to the Catholick Kirk, his Conscience or Crown, *Jam. 4, Par. 6, Cap. 100.*

Revocation by King *James the Fifth*, after his Age of Twenty Five Years Compleat, made first in General at *Rowan in France*, and now extended almost in the same Terms, with that of King *James the Fourth*, *Jam. 5, par. 6, cap. 70.*

Revocation *Q. M.* after her Age of Twelve Years Compleat, and the Dimission of the Government, made by the Earl of *Arran*, It contains the Common Heads *ut supra*, and bears Date at *Fountain Bleau in France*, the 25 of April 1555 Years, *Q. M. par. 6, cap. 28.*

Revocation by King *James the Sixth* in the Year 1585, before his Majority, of all Deeds done in prejudice of the annexed Property: And that notwithstanding of any Ratification.

tification or Confirmation thereof by the Parliament otherwise. And the King promises to observe the good Form in his House to be prescribed by the Lords of Privy Council, and the Officers of State appointed by the Parliament, *Jam. 6, Par. 10, cap. 17.*

Revocation by King *James* the sixth, bearing in the Narrative, to be made after his perfect Age of Twenty one, and long within his Age of Twenty five Years compleat, and containing almost the same Heads with that of King *James* the Fourth, but more fully extended, and clearly Qualified, as here Tacks for above the space of five Years are revoked as long Tacks; As also the Conversion of Few-Farm into Silver Duty from the Head (revoking Tailzies) Tailzies made in a new Conquest are excepted, as not being against the Conscience, Ward-holding changed to Blanch, and Regalities Gifted in the Kings Minority are Recovered, Presentations to Lands holden of other Superiors are excepted from the Revocation of Gifts of Bastardies, last Heirs and Forefeitures: And the King Revokes all Gifts of Thirds of Benefices, Kirk-Lands, Common Kirks, Monks Portions, first Fruits, and first Penny of Benefices, Patronages and Superplus of Benefices. And generally all things done in his Minority against Conscience, and prejudicial to his Crown, and what the Law allows him to Revok, and Swears to keep and retain the annexed Property, conform to the Act, *Jam. 2, Par. 11, cap. 41. Jam. 6, Par. 11, Cap. 31.*

Revocation by King *Charles* the first very full and Ample, but consisting of the same Heads with these preceeding, only these particulars are noted, all Dispositions of the annexed property are Revoked, except where Dissolution was made in Parliament in the Kings Majority. The King also Revokes all Gifts of Bastardy, last Heir, Recognitions and Forefeitures Gifted by any King in his Minority, with all Confirmations thereof in Parliaments, excepting Presentations to Trenchardies, as in King *James* the sixth his Revocation; As also, all Discharges or Service, and Suits of Court given against the Law; As also, Gifts of Hospitals, Mason Dues, and their Lands against Conscience, and the Laws of the Kingdom, with an Exception in Favour of the Town of *Edinburgh*; Likeas, the Pension to the Earl of *Mortoun*, with the Tack of *Orkney* and *Zetland*, are excepted from this Revocation. His Majesty also Revokes all Executions of whatsoever Abbacy, or Prelacy in whole, or in part made by himself; As also, all Infeignments of Erections made and granted by King *James*, or any other of his Majesties Predecessors of whatsoever, *Abbacy, Priory, Nunnery,*

Nunry, Preceptory, or other Benefice whatsoever in whole or in part, whereof the presentation should belong to His Majesty, if it were not erected: As also, all dissolutions and other Acts whereon the same are founded; In so far as they are contrary to the General Laws and Acts of Parliament; And generally His Majesty Revocks, according to the preceeding Revocations and reiters thereto, *Cha. 1, Par. 1, cap. 9, General Revocation by King Charles the Second Cha. 2, Par. 1, Sess. 2, cap. 8.*

Riding, *see* Sorners.

That no Man Ride or goe with more Men, nor may suffice. and for whom he will make payment; *Jam. 1, Par. 1, cap. 5.*

Rising in Arms, *see* Rebellion.

That no Man raise any Bands in Arms for wages, without Licence of the Queen, under the pain of Death, both to the Raisers and Risers, *Q. M. Par. 9. cap. 75.*

This Act with some Extensions, applied to Burghs, *Ibid. cap. 83. See in Burghs.*

Robbery, or Reif, *see* Spulzie and Highlands.

That no man reive another. Goods, or Prisoner, in English Eard, or in Scots, under the pain of Death, *Jam. 1, Par. 12, cap. 53.*

Robin-hood, *see* Plays.

Rome, *see* Benefices, and Clergy-man.

All Causes depending at Rome, or before its Courts, or Delegates, should be tryed and decided before the Judge Ordinary within the Kingdom, and Appellations made to Rome should be determined by the Lords of Session, and this Act to have effect from August 1550, *Jam. 6, Par. 7. cap. 115.*

Ruicks.

That Ruicks be not suffered to big in Trees, and where it be tainted, that they big, and the Birds flown, and the Nests

Nests found at *Beltan*, that the Trees be Forfaulted to the King, with Five *Shillings* unlaw, *Jam. 6, Par. 1, cap. 19.*

Rum.

Act discharging the making of Rum, except for Export, under the pain of the Contraveeners, losing their privilege of Manufactory, and of what farther the Council shall inflict, *W. par. 1, Sess. 5, cap. 39.* But this *Act* Rescinded, *Sess. 6, cap. 7, Ibid.*

Runrig.

That Lands belonging to several Heretors lying runrig, may be divided at the instance of any of the Parties, on Citation of all having interest by the Sheriff, Justices of Peace, who are to have special regard to Manion Houses, that the division may be commodious to them, and excepting from this *Act* Burrow Aikers, *W. Par. 1, Sess. 5, cap. 23.*

S.

Sabbath, and Holy-Days.

That there be no Fairs holden on Holy-days, but the Morn after, and that there be no removings, nor poindings used until the Third day after *Whitsunday* or *Martinmass*, *Jam. 3, Par. 5, cap. 35.* and *Jam. 4, par. 6, cap. 83.* and that Fairs be not holden within Kirks, or Kirk-Yards, *Ibid.* Ratified, and Mercats and Fairs discharged on the Sabbath, and that no handy Labour be used thereon, under the pain Ten *Shillings*, *Scott*, nor Gameing, Playing, passing to Taverns, or Ale-Houses, selling of Meat and Drink, and wilful remaining from the Kirk, the time of Sermon or Prayers, under the pain of Twenty *shilling*, and if the Offenders be unwilling, or unable to pay, that they be put in Stocks or Joggs: And the King is to appoint Commissioners in every Paroch for Executing of this *Act*, *Jam. 6, par. 6, Cap. 70.*

Ratified, charging all Judges and others whom it shall please Presbytries to name, to put away the saids Fairs and Mercats, and that Letters be direct at the instance of the Presbytry, against them for that effect, *Jam. 6, Par. 83, cap. 159.*

Again Ratified, and added. that who who sells or presents to Sale, any Goods on the Sabbath, and shall be thrice convict thereof, shall fine all their Moveables, and their

their persons be in the Kings will, *Jam. 6, Par. 14, cap. 198.*

Act for changing of Mercats, from the Sabbath, to any Week Day. *Jam. 6, par. 12, cap. 122.* and that no Mercats be kept in Burghs on Munday or Saturday, *Cha. 2, Par. 1, Sess. 3, cap. 19, See both in Mercats.*

Ratification of all Acts made for the observation of the Sabbath, and discharging all Salmond Fishing, going of Salt Panns, Milns, or Kilns, Hiring of Shearers, carrying of Loads, keeping of Mercats, and using of Merchandise on that day, and all other Profanations thereof, under the pain of Twenty Pounds for Salt-Pans, Miln, or Kiln, and Ten Pounds, for each other Profanation, to be applyed as in the Act anent Justices of Peace, and that the insolvent be punished in their Persons, *Cha. 2, par. 1, Sess. 1 cap. 18, Ratified, Cha. 4, Par. 2, Sess. 3, cap. 22, See it in Profaneness.*

Sacrament, *see* Baptism, and Communion.

That none Administtrat the Sacraments secretly or any otherway, except that they have power for that effect, *Jam. 6, par. 1, Cap. 5, The Acts, Anent the Mass abolished, &c.*

That all Sayers and Hearers of Mass, and Prophaners of the Sacraments, incurr the Tinsel of simple and Liferent Escheat, *Jam. 6, Par. 11, cap. 24, See Mass, The Act is, Anent Trial and punishment of the Adversaries of the true Religion.*

Sale of Lands, *see* Bankrupt.

Salmond, *see* Fish, and Fishing, and Game.

Salmond should not be slain in time forbidden, under the pain of Fourty Shillings, and for the thid time, the slayer to Tine his Life, or then Buy it, *Jam. 1, par. 1, cap. 20.*

That no Salmond be slain from the Feast of the Assumption (15 of August) untill the Feast of St. Andrews (30 of November) under the pain of slaying the Red fish, and this to be a point of dittyay, *Jam. 1, Par. 2, cap. 35.* But the Waters of Solway and Tweed are heretras excepted, so long

long as *Berwick* and *Roxburgh* are in the *English* hands, *Jam. 1, par. 9, cap. 131.*

That Custom be payed for all *Salmond* and other *Fish* had out of the *Realm*, as well by *Inhabitants* as *fremmed* *Persons*, *Jam. 1, par. 5, Cap. 76.*

That no *Salmond* be sold or *bartered* with any man that hath it out of the *Realm*, except for *English* *Money* for the one half, and *Gascoigne* *Wine*, or good *Penny* *worths* for the other, *Jam. 1, Par. 10, cap. 132.*

That who *slayes* *Salmond* in *forbidden* time pay for the first *Fault* *Fourty shillings*, for the second *Four Pounds*, and for the *Third* shall *Time* his *Office* for ever, and this extended to art and part, *Jam. 2, Par. 5, Cap. 8.*

That no *Man* *slay* *Red-Fish* in *forbidden* time, under the pain of *Ten Pounds*, and that for the *Third* time he buy his *Life*, *Jam. 2, Par. 14, Cap. 85, and Jam. 4, Par. 2, cap. 15.* And that for the *Third* time, the *Committer* *Time* his *Life*, *Jam. 4, Par. 6, cap. 72.*

That the *Acts* made upon them that *slayes* *Red-Fish*, *Smolts*, and *Salmond*, in time *forbidden* be put to *sharp* *Execution*, *Jam. 5, Par. 4, cap. 16.*

That no *Man* in *smolt* time, set any *Engine* to hinder them to go to the *Sea*, under the pain of *Ten Pounds*, *Jam. 2, Par. 14, cap. 86.* and for the third time, *Time* of *Life*, and that the *Sheriff* *destroy* all such *Engines*, *Jam. 3, Par. 5, cap. 38, Jam. 4, Par. 2, cap. 15.*

The *Acts* anent the *slaughter* of *Black-Fish* and *Smolts* *Ratified*, and that *Courts* be held *Yearly* at *Pasch* and *Marzinmass*, against the *Contraveeners*. and that they be put to find *Caution*, under the pain of an *Hundred pounds*, but the *River* of *Tweed* excepted, *Jam. 6, Par. 1, Cap. 30.*

And thir *Acts* are *Ratified*, and all *Judges* *Ordinary* *Im-* *powered* to *Execute* them, *Jam. 6, par. 6, cap. 89.* And there is *Commission* *Granted* to certain *Judges*, *Named* in the *Act*, within their *Respective* *Bounds* for this effect, *Jam. 6, Par. 7, Cap. 111.*

Act *Ratifying* former *Acts* anent *Slaying* of *Salmond*, *Black*, or *Red-Fish*, in *Forbidden* time, *Destroying* of *Smolts*, and *Fry* of *Salmond*, and *Declaring* it *Lawful* for the *Magistrats* of *Burghs*, if they first *Attach*, to *Proceed* against the *Contraveeners*, albeit the *Power* before was *restristed* to the *Sheriffs*, *Jam. 6, Par. 14, Cap. 224.*

The former *Acts* *Ratified*, and that all having *Land* next *Adjacent* to *Waters*, and *Rivers* where *Salmond* are taken, find *Caution* acted in the *Books* of *Council*, to be *Answer-* *able* for their *Tennants*, and the *Indwellers* in their *Bounds* whom

whom they may stop or let, that they shall not Slay Salmond in Forbidden time; The Earl or Lord, under the pain of a Thousand Merks, and the Baron, and all Others under the pain of Five Hundred Merks, half to the King, and half to the Judges appointed by the former Acts, and that Letters be hereupon Direct, at their Instance; But the Waters of *Annand* and *Tweed*, as being in the Borders are excepted from this Act, *Jam. 6, Par. 15, Cap. 261.*

That Slaying of Salmond in Forbidden Time, or of Kipper, Smolts, or such Black Fish at any time, be punished as Theift, according to the Committers Rank and Estate, and the Waters of *Annand* and *Tweed* are again excepted *Jam. 6, Par. 16, cap. 11.* But this exception upon his Majesties Succession to the Crown of *England* is *simpliciter* Discharged, and the pain of Theift and Death universally extended, *Jam. 6, par. 16, Cap. 5.*

That Salmond be Packed in Barrells of the Measure of *Hamburg*, after the old Assise, and in none smaller, under the pain of Escheat of the Salmond, and that the Couper who makes smaller Barrells, pay Five Pounds of Unlaw, *Jam. 3, par. 10, cap. 77.*

That the Salmond Barrel contain Fourteen Gallons, under the pain of Escheat of the Barrel, and that each Burgh have three Hoop Irons, and a Burning Iron, for Measuring and Marking, *Jam. 3, Par. 14, cap. 110.*

That in Barrelling of Salmond, the ~~old~~ *Wind* of *Aberdeen*, be observed, under the pain of Ten Shillings of Unlaw, to be payed by the Cowper, *Jam. 4, Par. 4, cap. 52.*

That the Cowper and Town, have Burning Irons, for Marking the saids Barrells, and what is not so Marked, to be Escheat, half to the King, half to the Town, *Jam. 5, par. 7, cap. 109.*

That the Salmond Barrel contain Twelve Gallons, and the Herring and White-Fish Barrel, Nine Gallons of the *Strivling* Pint, and be Marked by the Cowper, under the pains in the former Laws, *Jam. 6, Par. 4, cap. 57.*

That there be a Just Standart made for Salmond, conform to the old Acts, to be kept at *Aberdeen*, and Staples also are appointed for Salmond as in the Act, *Jam. 6, par. 8, cap. 141.*

Act Ratifying all Acts, made anent Salmond-Fishing, the sufficiency of the Barrells, and loyal Packing thereof, and farther that Cowpers make the Barrells Good and Tight, as in the Act, containing no less then Ten Gallons of the *Strivling* Pint, conform to an Act of Council 15 July 1619, here Ratified, under the pain of Five Pounds for every insufficient Barrel, and Escheat of the Barrel; and

that the Barrels be Marked by the Cowpers Birn on the tapen Staff, and the Cowpers lyable for the Merchants Loss; and that the Barrel be Marked, with a particular Merchant Mark, under the pain of Confiscation of the Salmond, attour the Counterfeiters punishment at the pleasure of the Judge, one half of the pain to the King, and the other half to the Burgh injured; and that the Magistrates in Burghs put this Act to Execution, *Cha. 2, par. 1, Sess. 1, cap. 33.*

Act Ratifying all former Acts against Killing of Salmond, Kipper, or Black-Fish, in Forbidden Time, and the Killing of the Fry and Smolts of Salmond, and who cannot pay his Fine, to be punished Corporally, or by Banishment. *Item,* The half of the Fine to the Discoverer. *Item,* That there be a constant Slop in the Mid-stream of each Dam-dick, over every Salmond River or Grain thereof, where no Cruves are settled in those Rivers, and as wide as the going of the Miln will allow, and all Fish-ing at such Miln-Dam-Dicks Discharged, under the pains of Destroyers of Fry of Salmond. *W. Par. 1, Sess. 6, cap. 33.*

Salt.

Priviledges Granted to the Makers of Salt, of a new Fashion, that pone Make, or cause be Made the like, without the Queens Licence, for the space of Fifty Years, under the pain of Death, and Confiscation of the Lands and Houses where the Salt is made, *Q. M. Par. 9, cap. 71.*

That Salt be not Exported for Three Years to come, except in Exchange of Timber Imported by Strangers, under the pain of Escheat of the Salt, Ship, and other Moveables of the Exporters, *Jam. 6; par. 4, cap. 56.*

Act Discharging all Pre-emption of Salt, as also the Excite of all Salt, made within the Kingdom, and that each B ll of Forreign Salt, *Linlishgow* Measure, pay Fourty *shilling*, whether employed on Fishes or not, and that therefore all Fishes Exported be Free of Custom: And all Acts in the contrary are Rescinded; And that the Custom of Salt continue as in the Book of Rates, *Cha. 2, par. 2, Sess. 4, cap. 1.*

The making of Salt upon Salt, hath the Priviledge of a Manufactory, but without any Exemption of Forreign Salt from its former Dues, *W. Par. 1, Sess. 6, Cap. 44.*

Salters, see Coaliers.

Salt Works declared to be Free, and that they are publick Manufactories, and to have the Priviledges thereof: That French Salt be Sold at the place of its Import, at
Five

Five Pounds per Boll Linlithgow Measure, Including the Fourty shillings of Excise, and Spanish Salt for Six Pounds in the same manner, under the pain of an Hundred Pounds *seties quoties*, for ilk Boll, Sold above the said Rate; halt to the King, and halt to the Discoverer: But that this Act be without prejudice to his Majesties Prerogative, as declared by the Act *Cha. 2, Par. 1, Sess. 3, Cap. 27.* *Anent his Majesties Prerogative in ordering and disposal of Trade, with Forreigners, Cha. 2, Par. 3, cap. 27.*

Sand-hills.

That for preventing of Over-blowing by Sand, none pull Bent, Broom, or Bushes off Sand-hills, under the pain of Ten *libs.* halt to the Judge, halt to the Informer, beside the repairing of the Damage, *W. Par. 1, Sess. 5, cap. 30.*

Sowing, *see* Labouring.
Schools, *see* Universities.

That all Barons, and Free-holders of Substance, put their Eldest Sons, and Heirs to Schools, to Learn Latin, and Arts, and Jure, and that they may understand the Laws, under the pain of Twenty Pounds, *Jam. 4, Par. 5, cap. 54.*

That all Schools and Colleges be Reformed, and none admitted to Instruct the Youth privately or openly, but such as shall be Tryed by the *Superintendents*, and Visitors of the Kirk, *Jam. 6, Par. 1, cap. 11.*

Ratification of the Act of Council 10th. December 1616, For planting of Schools, and the Bishop of the Diocie is impowered, with consent of the Heretors, and most part of the Parochiners, or if the Heretors refuse, with consent of most part of the Parochiners, to lay a Stent on every Plough, for Maintenance of the saids Schools, and Letters are ordained to be Direct at the School-Masters Instance, &c. And if there be any Complaint, the Lords of Council are to hear, and Determine it, *Car. 1, Par. 1, cap. 5.*

That none be admitted to Teach any publick School, without Licence of the Ordinary, *Car. 2, Par. 1, Sess. 2, cap. 4.* The Act is, *Act concerning Masters of Universities, Ministers, &c.*

That there be a School and School-Master in every Paroch, his Fee not under an Hundred Merks, nor above Two Hundred Merks, to be payed by the Heretors and Liferenters in the Paroch, to have Relief for the Half of their Tennents; and that Letters be theretore Directed,

with the same Priviledges as to Suspensions with Ministers Stipends, *See the Act.* Item, Schools and School-Masters declared to be a Pious Use, to which Patrons may employ vacant Stipends, excepting from this Act, the Synod of *Argyle* because of the Act, *W. and M. Par. 1, Sess. 2, cap. 24.* in their Favours, and these vacant Stipends appointed to be applyed as above, at the sight of the Sheriff of the Bounds, and all former Acts for Schools Ratified, *W. Par. 1, Sess. 6, cap. 26.*

Scotia Nova, or Nova Scotia.

Ratification of the Chartors and Infeittments granted to the Viscount of *Stirling*, his Heirs and Assigneys, and of the River and Gulf of *Canada*, and Bounds and Priviledges therein contained, specially these Chartors following, one of the date the Tenth of *September* 1621, another the Twelfth of *July* 1625, another the Third of *May* 1627, another the Second of *February* 1628, with an Signature dated the 24th of *August* 1633; As also, of the Act of Convention the sixth of *July* 1630, approving and Confirming, the Dignity, and Order of Knights Barroner, and all following thereon, *Car. 1, Par. 1, cap. 28.*

Seal, and Sealing, see Subscription.

That the Great and Privy Seals be appended to Chartors, and other Writ, written Book ways as well as broad ways and that upon an Tye, or Bond, going through all the Leaves in the Margine, *Car. 2, Par. 2, Sess. 3, cap. 7.*

Sealing.

That all Sealings upon Precepts forth of the Chancellary, be given by Sheriff Clerks, and other Sealings by Famous Nottars, *Jam. 5, Par. 6, cap. 77.* But this Act dispensed with for bygones, in respect of the Troubles, and Ratified for thereafter, with this Addition, that the Sheriff, Stewart, or Baillic of Regality, or Royalty, or their Depurs, be required to give the saids Sealines, which if they refuse, the Party may make another Baillic, *Q. M. Par. 6, cap. 34. Anno 1555.*

But it is again dispensed with for Bygones, and until the first of *March* 1563, *Q. M. Par. 9, cap. 80.* And both these Acts are thereafter Ratified to Precepts on Retours, and Sealings thereupon, *Jam. 6, Par. 18, cap. 15.*

That all Sealines not given on Precepts forth of the Chancellary, be within Year and Day, presented to the Sheriff-Clerk.

Clerk, and the same or a Breviat thereof insert in his Books, for which the Clerk should get two *shillings*, and that the Clerk bring yearly to the Exchequer, the Books of the saids Seafings, and leave a Double thereof Signed by him, with the Double of this Protocol to remain in the Register, *2. M. Par. 6, cap. 46. Renewed, Jam. 6, Par. 11, cap. 64.*

That no Seafing be given within Burgh, but by one of the Baillies, and the Common Clerk, otherwise to be null, *Jam. 5, Par. 1, cap. 27.* One Notar, with a sufficient Number of Honest Witnesses, sufficient in Instrument of Seafing, *Jam. 6, Par. 9, cap. 4. See Witnesses.*

That Instruments of Seafing be Registrat within sixty days, *Jam. 6, Par. 22, cap. 16. See Registration.*

Separation, *see* Conventicle.

That such as ordinarily absent themselves from their Paroch Kirks, on the LORDS Day, incur the Pains following, each Noble-man, Gentle-man, and Heretor, the Loss of a Fourth Part of ilk years Rent, in which they shall be Convicted, and each Yeaman or Tennent, the Loss of such a part of their Moveables, as the Lords of Council shall modifie, not exceeding a Fourth, and every Burgeis his Liberty, and the Fourth of his Moveables: and the Council is to Execute this Act against all, who after Admonition of the Minister, before two sufficient Witnesses, and by him so Attested, shall be given up to them, with Power to them to Inflict farther corporal Pains, as they Judge necessary, and to do every other thing for procuring obedience to this Act, and for the Executing thereof, *Car. 2, Par. 1, Sess. 3, cap. 2.* This Act contains also a Ratification of the first, Third, and Fourth Acts of the second Session of this Parliament.

That all his Majesties Subjects of the Reformed Religion, attend the Worship in their own Churches, and that who shall withdraw for three LORDS Days together, without just excuse, be Fined as in the Act, which Act the Sheriffs, Stewards, Lords of Regality, and Magistrates of Burghs are to Execute, and are allowed to have for themselves all the Fines, except these of Heretors, for which they are to be Comptable to the Commissioners of the Thesaurie: and if an Heretor Liferenter, or Wadsetter, Fined, thereafter obstinately withdraw for a Year, the Council upon the Inferiour Judge his Delation, may put them to sign a Bond, not to rise in Arms, &c. which if they refuse, they are to be Secured or Banished, or otherwise they amir to the King their simple and Liferent Escheat, and this Act is appointed

pointed to continue for three Years, unless his Majesty continue it longer, and that it be without prejudice of the Churches Censures, *Ca. 2, Par. 2, Sess. 2, cap. 7.*

This Act continued for Three Years, after the Expiration of the first Three Years, and longer as his Majesty shall be pleased to appoint: And that Magistrates of Burghs Execute the same upon their Burgeffes: And that they and the other Judges Named in the former Act, be diligent, and give accompt of their Diligence Yearly, the first Thursday of July, to the Privy-Council, under the pain of Five Hundred Merks, *Cha. 2, Par. 2, Sess. 3, Car. 17.* The Act is, *Against Keepers of Conventicles &c.*

Act ordaining all Heretors and Masters to oblige their Tennents to live Peaceably and Regularly free of Fanatical Disorders, and for that end, Impowering them to Remove the Disobeyers, notwithstanding of their standing Tacks, which in this case are declared Void, *Jam. 7, Par. 1, cap. 24.* But this Act, and all the other Acts above against Separation Rescinded by the Act, *W. and M. Par. 1, Sess. 2, cap. 27.*

Serjant, see Mairs, and Messengers.
Servant.

A hired Servant from *Martinmas* to *Whitsunday*, may be detained by his Master, or compelled by a Justice of Peace, to stay with him for the same hire from *Whitsunday* to *Martinmas*, unless the Servant can verity to the Justice of Peace, or Constable of the Bounds, that he is hired to another Master. And a Justice of Peace, may compel a Servant running away, to return to his Master: As also all loose Men, and Women, to Serve for competent Hire, and Labourers may apprehend all such within their Bounds, and imploy them in their Works, *Jam. 6, Par. 23, cap. 21.*

Session.

The Chancellour and certain Persons of the Three Estates, to be chosen by the King, appointed for the Session, and to sit Three times in the Year, where the King shall please, for all causes, proper for the King, and his Council. *Jam. 1, Par. 3, cap. 65.*

The Lords of Session, appointed at this time by Commission of Parliament, given to a good Number of the
Three

Three Estates, are Impowered to know on all Civil Actions, not concerning Fee or Heretage, and ordained to cause the Party in the wrong, pay to the other his Expence, *Jam. 2, Par. 14, cap. 61.*

Act setting down the manner of bringing Causes before the saids Lords, and that the other Causes there mentioned, be utterly Decided by them, without Remedy of Appellation to the King, or Parliament. *Ibid. Cap. 62.*

That those Lords bear their own Coast, their Charge not being Great, and that the better to help, they have the Kings Unlaw of their Court, which is Forty shillings, to be divided betwixt them, and the Clerk-Register, *Ibid. 63.*

That in place of the Lords of Session, the King choose a Council to sit continually in *Edinburgh*, or where the King pleases, to decide in all Civil Matters, *Jam. 4, Par. 6, cap. 58.*

The Institution of the Colledge of Justice Commonly called the Session, for doing Justice in all Civil Matters, and that it consist of Fourteen, half Spiritual, half Temporal, with a President; And they are Authorized to Decide upon all Actions, Civil, and none others to have Vote with them, *Jam. 5, Par. 5, Cap. 36.*

That they begin to sit at *Edinburgh*, and at what times, *Ibid. cap. 37.* That they be Sworn to Minister Justice Equally, *Ibid. Cap. 38.* That their Decrets have the same force, that the Decrets of the Lords of Session had before, *Ibid. cap. 39.* Providing the Lord Chancellour being present, have a Vote, and be principal, And that also Three, or Four more of the Kings Great Council, to be Named by him, have Vote with them, *Ibid. cap. 40.*

That the Fifteen Lords then Nominat, Subscribe all Deliverances, and none others, *Ibid. cap. 41.* That the Chancellour or President receive the Oaths of the Lords, and in the Absence of the President, the King is to Name a Vice-President, *Ibid. cap. 42.* Command is given to the Lords, to conclude upon Rules, and Statutes, to be kept in their Order of Proceeding, which the King promises to Ratify, *Ibid. cap. 43.*

Follows the Rules and Orders then set down, And first the Division of the Realm in Quarters, *Ibid. cap. 44.* Priviledged Summonds, Recent Spulzies, calling of Letters, Redeeming of Lands, Acts of Adjournal, Superiours to hear them Decerned to Tine their Superiorities, Reduction of Inordinat Process, before Sheriffs and Baillies, and Retreating and Transferring of Decrets, and that Letters that

that concern Horning have Process at all times, *Ibid. cap.*
 45. That all other Matters be called by the Order of the Table, all Days of the Week, except Fryday Assigned for the King, Queen, and Strangers Matters, *Ibid. Cap.*
 45. That A^cs be called at the Days Assigned, for Expedition of Witnesses, and Elshewing of Expences, *Ibid. cap.*
 46. That it be eeked to all Diliverances to Sheriffs, that they Admit Parties to their Delences, and Minister Justice Equally, *Ibid. cap.*
 47. Order for Table and Seats, *Ibid. cap.*
 48. That the Lords Enter the House at Eight Hours Daily, and sit unto Eleven, *Ibid. cap.*
 49. That after the Entry of the Lords, the House be Ished, and that an Macer stand at the Door, *Ibid. cap.*
 50. That no Man Enter in Pley except the Parties contained in the Summons, and their Procuratours, if they any have, *Ibid. cap.*
 51. That Bills be first Read, then A^cs called, and then the Table proceeded in, and that all Parties deliver their Bills, and A^cs, to the Chancellour or President before they Enter, or Incontinent thereafter by a Macer, *Ibid. cap.*
 52. That Three Lords be Depute Weekly, as they are placed in order to Examin Witnesses: And that they Conveen Daily at Two Afternoon, in the House, with a Clerk, or an of his Writers, Sworn by the Lords for that effect, *Ibid. cap.*
 53. That all Matters be called by the Order of the Table, as is above Statute, *Ibid. cap.*
 54. That the Lords being Set, silence be kept, and that none Speak or Round with his Marow, and that no other Interrupt the Two, that shall be Commanded by the Chancellour or President, to Argue any Matter, but when they have done, others may Speak upon leave asked, *Ibid. cap.*
 55. That the Debate being ended, the Chancellour or President, require the Votes of the Lords in Order, and that the Clerk Read their Names, and that none Argue another in Voting, *Ibid. cap.*
 56. That in Advising or giving Sentences, there be Ten at least, with the President or Chancellour, (but the A^ct Jam. 6, Par. 11, cap. 44, insinuates Nine Ordinary Lords to be a Quorum)
 That the Lords absent not, but upon Licence of the Chancellour given *in presentia*, That all Publication of Witnesses, and other Examination of Process, be made *in presentia*, *Ibid. Cap.*
 57. That the Lords Decreets be Execute by Sheriff, Purservants, or Maisters, for the Fee appointed by A^ct of Parliament, See it in Fee, Jam. 4, Par. 3, cap. 30.) That all Clerks of the Signet, be Sworn to be Faithful, and not Reveal what they Writ, or do for their Employers, *Ibid. cap.*
 59. That the Clerks of the Signet, take only Eight Pennies for Writing a Bill, and
 Twenty

Twenty Pennies for Letters on an Decreet, and for other Letters as formerly, under the pain of Tinsel of Office *Ibid.* Cap. 60. That Writers mark their Bills with their Names, That none Frustrat another of their Labours, and that all Deliverances be Written by Clerks of the Session, *Ibid.* cap. 61. That Maisters be Sworn to be Faithful, and that they be Secret, and take no more for their Labours than Two *Shillings*, under the pain of Deprivation and Infamy, cap. 62, and 63.

That there be Ten Advocats appointed to be general, Procurators of the Council, and that they serve all men for their Wages, and that they be sworn to be faithful, *Ibid.* cap. 64, and 65.

That Advocats remove with the parties, and enter again with them, at the giving of Interloquitors, *Ibid.* cap. 66. That an Dilator, being Repelled, all the other Dilators be proponed at once, and that no Advocate, except the Kings Advocate, pley within the Barr, *Ibid.* cap. 67, Follows the Kings good Mind, anent the Lords, wherein he ratifies the Forgoing Statutes, and promises, not to charge or desire them to do otherways in any matter, then as Justice requires, and to maintain and defend their Persons, Lands and Goods, from all wrong; And because the saids Lords represents his Majesties person, and bears his Authority, the King promises to give no credence to any that Murmurs them, but first to call them, and if found culpable, to punish them, and if not, to punish the Complainer, with all rigor; And farther exemts them from all Taxes and burdens, and from bearing all Offices, except they please, with power to them to punish such as lightly them, with Imprisonment in any of the Kings Castles, and if the injury be great that the King be advertised, that he may gar the same be punished, and this Ratification the King signes, and ordains to be Registrat the Tenth of *June*, the Nineteenth year of his Reign, which was the year 1533. *ibid.* cap. 68.

Ratification of the Colledge of Justice, and of the Popes Approbation, and Confirmation thereof, with power to the Lords to make Acts, and Statutes for ordering of process, and hasty expedition of Justice, and that in the absence of the President, and Vice-President, the Eldest Senator in order Preside for the time, *Jam. 5, Par. 7. cap. 93.*

Ratification of the Institution of the Colledge of Justice, and that Letters be direct against the Prelats, for getting in the Contribution Money due to the Lords of Session, *2. M. Par. 2, cap. 1,*

The

The Lords of Session are declared to be Judges Competent to the Reduction of Intestments, albeit confirmed in Parliament, *Jam. 6, Par. 1, cap. 18.*

Upon a Complaint by the Lords of Session of Privy Charges direct to them, by the King, and his Council, to forbear, stay or remit process to the Parliament, or to stop Execution: It's Declared, and Ordained, that the Lords proceed in all Civil Causes intended before them, and cause Execute their Decrees, notwithstanding any private Writing or Command, at the instance of any party in the contrary, *Jam. 6, Par. 6, cap. 92.*

That no Lord of Session be himself, his Wife, or Servants, take Bude, Bribe, Goods or Gear, either frae Pursuer, or Defender, under the pain of Deprivation, Infamy, and Escheat of Moveables, the an half to the King, and the other to the Revealer, and the Offenders person to be in the Kings Will, that the King shall nominat to be Lords, men fearing God, able, and having sufficient Living of their own, who shall be tryed by a number of the Lords, and in case the person presented, shall not be found so qualified, the Lords may refuse him, and the King should present another, and the President shall be chosen by the whole Senators, either of the Spiritual or Temporal Estate, and so they may also Elect, a Vice-President in the absence of the Chancellour, and President, *Jam. 6, Par. 6, cap. 93.*

Ratification of all Statutes made by the Lords for expedition, and Execution of Justice, *Jam: 6, Par. 8, cap. 139.*

That there be payed to the Lords by the Tiner of the Plea, Twelve Pennies per Pound, where the Subject is Liquid, and Five Pounds where it consists in *falso*, and that by the same order as was observed in their uptaking of Fourty Shillings of each Decree or before. *Jam: 6, Par. 11, Cap. 43. (See Jam. 2. Par. 14. Cap. 63)*

The Lords are declared Judges competent to the Interpretation of the Act of Oblivion, Nine Ordinaries being alwayes present, as in the other Causes at the pronouncing of Interloquitors and Decrees, *Ibid. cap. 44.*

Because the Lords of Session are appointed for the Decision of all Civil Matters; Therefore the King declares his mind by the Act of Parliament, that to all vacations in the Session, he will present men fearing God, of good Learning, Knowledge and practise of the Laws, having sufficient living of their own: And farther, It is Statute, that no man be received to be a Lord of the Session, unless he be sufficiently tryed, and known by the King and Lords, and

and having in Yearly Rent a Thousand Merks, or Twenty Chalder of Viſtial, and be of the Age, at leaſt of Twenty Five Years compleat, otherwayes his preſentation and admiſſion to be null, *Jam. 6, Par. 12, cap. 132.*

The modification of Affichments, for Crimes committed, ſince the Kings Coronation, referred to the Lords of Seſſion, *Jam. 6, Par. 12, cap. 155.*

Ratification of all Priviledges granted to the Senators of the Colledge of Juſtice, and Members thereof, notwithstanding of any Act, or Statute, ſpecial, or general, in the contrary, *Jam. 6, Par. 13, cap. 170.*

Another ample Ratification in their Favours including alſo the Lord Chancellour, *Jam. 6, Par. 14, cap. 211.*

To Strick, Hurt, or Slay, any perſon within the Inner-Tolbooth, the time that the Lords are ſitting, declared to be Treason, and to do the ſame within the Outer Tolbooth, the time ſorſaid, is Death, *Jam. 6, Par. 13, cap. 173.*

No Lord of Seſſion Ordinary, or Extraordinary may ſit, or Vote, in any cauſe, where the Purſuer or Detender, is either their Father or Brother, or Son, *Jam. 6, Par. 14, Cap. 212.* Extended to the like degrees of Affinity: As alſo, where the ſaids Lords are Uncles, or Nephews to the Party, *Car. 2, Par. 3, cap. 13.*

See the Act of Declinatour.

The Harveſt Vacance appointed to begin the firſt of *Auguſt*, and that the Lords are content to enter every day, during the Summer Seſſion, at Eight in the Morning, *Jam. 6, Par. 14, cap. 213.*

That no Member of the Colledge of Juſtice buy Pleyes, *Ibid. cap. 216, See it in Pleyes.*

Commiſſion to the Lords of Seſſion to decide the Action of Reduction of the Forſaulrure of *James Wood* Appearand of *Bennintoun*, *Jam. 3, Par. 17. the 5 of the Unprinted Acts.*

The Lords of Seſſion declared to be the Kings great Conſiſtory, and an high ſupream Commiſſion granted to them for all Contistorial Cauſes providing nevertheless they be ſtill accountable to His Majeſty, *Jam. 6, Par. 20. cap. 6, The Act is, Act of of the Commiſſariots, &c.*

Act in Favours of the Lords of Seſſion, for Ten Thouſand Pounds to be payed to them yearly, out of his Majeſties Cuſtoms, which are for that end, and in ſo far Diſſolved from the Crown, and all Intrometers with the ſaids Cuſtoms, are made lyable to the Lords for their better Payment; And Caution is appointed to be Found by the Cuſtomers

Homers for that Effect, in manner set down in the Act, *Ibid.* cap. 11.

The Lords of Session appointed to be Judges betwixt the Patron, the Person presented, and the Bishop, ancient Pastors betwixt the Patron and Intrañt, whether Simoniacal or not, *Jam. 6, Par. 21, cap. 1.*

Taxation of Ten *shillings* the Pound-Land of old Extent for the Estate of Barrons, and Free-Holders, and so proportionally for the Spiritual Estate, and Estate of Barrons, granted to the ordinary Lords of Session for increase of their Stock, and that yearly for Four Terms or Years, beginning the first Term at Martinmas 1633, and the last to be Martinmas 1536, *Car. 1, Par. 1, cap. 22.* General Ratification in Favours of the College of Justice, *Ibid. cap. 23.*

That when the Lords of Session, Ordain Twelve Pennies of the Pound to be payed in any Decreet, the same shall not be payed by the Obtainer, and the not Payment by the Obtainer shall be no stop to the Extracting, *Car. 1, Par. 1, cap. 26.*

The Judicial Proceedings under *Englisb* Usurpers, before the Commissioners for Administration of Justice, who sat in place of the Lords of Session Ratified, but so as any lesed thereby, may bring the same to be reviewed before the Lords of Session, within a year after the Down sitting thereof, or of the Party lesed, his attaining to Majority, if he be now Minor, *Car. 2, Par. 1, cap. 12, Anno 1661.*

Ratification of all Priviledges, and Acts in Favours of the College of Justice, Senators, Advocates, Clerks, Writers to the Signet, and remanent Members of the same, Declaring that the whole Priviledges granted, and belonging to the Lords, and Senators thereof, shall belong to all the rest, in all time coming, *Ibid. cap. 23.*

Twelve Thousand Pound *sterling* given to the Lords by way of Assessment, for bettering of their Stock; And the Act asserts the Lords of Session to be the Supreme Judges under his Majesty, in all Civil Causes, *Ibid. cap. 50.*

Other Ten Thousand Pound *Scots* yearly, beside the Ten Thousand Pounds granted by King James the Sixth, *Par. 20. cap. 11.* (above) given to the Lords of Session out of the Customs, and whole Sum of Twenty Thousand Pounds yearly equally Secured by both the Acts, and appointed by this Act, to be payed together, *Car. 2, Par. 1, Sess. 2, Cap. 7.*

Ratification of the Priviledge of the ordinary Lords of Session, as to their Exemption from all Burden, Imposed, or to be Imposed, by this or any other Parliament, *Car. 2, Par. 1, Sess. 2, cap. 8.*

Act Regulating the Order of Process, and Methods of proceeding before the Session; as also, all Advocats, Clerks, and Writers Fees, with the manner of keeping the Registers of Hornings, Inhibitions, Interdictions, Seatings, Reversions, and others, *Car. 2, Par. 2, Sess. 3, cap. 16.*

The Summer Session Supprest and Discharged, and the times of the Session yearly, appointed to be from the first of *November*, until the last of *March*, excepting the Surcease, from the Twenty Fourth of *December*, until the first of *January*, *Car. 2, Par. 3, cap. 7.*

Ratification of the Priviledges of the Senators of the College of Justice, and particularly, of the *Act, Car. 2, Par. 2, Sess. 2, cap. 8.* in their Favours, *Jam. 7, Par. 1, cap. 19.*

The Former times of the Winter and Summer Session, Restored after first of *November 1686*, and the *Act, Car. 2, Par. 3, cap. 7.* Rescinded, *Jam. 7, Par. 1, Sess. 2, cap. 5.*

The *Christmass* Vacancie of the Session appointed from the 20. of *December*, to the 10. of *January* yearly, *Jam. 7, Par. 1, Sess. 2, cap. 6.* but this *Act* Rescinded, *W. and M. Par. 1, Sess. 2, cap. 28.*

The *Tule* Vacance, and all Observation thereof Discharged, and that the Session, and all Interiour Judicatories proceed without any regard thereto, and the times of the Session from the first of *November*, to the last of *February*, and from the first of *June*, to the last of *July* all Inclusive, distinctly defined, *W. and M. Par. 1, Sess. 2, cap. 22.*

The Session Adjourned from the first of *June* to the first of *November 1693*, allowing Interiour Courts to sit, as if no Adjournment, and that the time from the said first of *June*, to the first of *November* be deduced from short Prescriptions, and that second Summonds may be given in that Space as if the Summer Session had been sitting, *W. and M. Par. 1, Sess. 4, cap. 11.*

That when the Lords of Session Vote any Point, the Question shall be first stated, and written in *mundo*, and then Read and Voted, and that at the same Dyet, the Interlocutor be writ upon the Process, and Signed by the Lord Chancellor, or President for the time, before a *Quorum* of the Lords sitting in Judgement, declaring all Interlocutors and Minuts of Sentences which shall not be so written, and Signed, shall be Null, and the Writer, and Signer, incur the pain of Deprivation, *W. and M. Par. 1, Sess. 4, cap. 18.*

That the Lords of Session sit each of them his Week in the Outer-House by turns, unless excused by the hail Lords, in which case he is to sit the Week thereafter; otherwise they shall lose their Salary for that Session to accresce to the Lords Stock. *Ibid.*

That the Ordinary for the Outter-House go out to it so soon as his Reports are over, and sit there till twelve a Clock, without returning to the Inner-House to Judge there, in which case he may be Declined; but it's Declared that this extends not to the last Week of the Session, *W. and M. Par. 1, Sess. 4, cap. 21.*

That the Lords of Session Advise and Vote with open Doors but the Lords are allowed in some cases to remove all save the Parties, and their Procurators, and none may presume to speak after the Lords begin to Advise, unless by them desired, under the pain of Imprisonment, *W. and M. Par. 1, Sess. 4, cap. 27.*

As Adjourning the Session from the first of June, to the first of July 1695, in the Terms of the Adjournment, *Sess. 4, cap. 11. Sess. 5, cap. 3. Item, A Farther Adjournment to the first of November 1695, cap. 9. Ibid.*

Grant of halt a Monerhs Cess for a provisional Addition to the Salaries of the Ordinary Lords of Session from November 1698, to November 1700, two years, *Sess. 7, cap. 14.*

As Adjourning the Session till the first *Tuesday* of December, *Sess. 9, cap. 1.* and again to the first of January 1700, *cap. 4. Ibid.* And again to the 28. of the said Month 1700, *cap. 5. Ibid.*

Sheriff, Shire, and Stewary. *See Judges.*

That the Country, all or Part, hearing the Kings Horn or thereto Warned, Rise and Follow the Sheriff in Pursuit of Fugitives, the Gentleman under the pain of Fourry *shillings*, and the Yeoman under the the pain of Twenty *shillings*, *Jam. 1, par. 6, cap. 98.*

That the Sheriff receive Persons Arrested by the Crowner, and keep them in Firmanoe to the Justice-Air, upon the Parties own Expences, or if they have it not, upon the Kings, at Three *Pennies per diem*, and if the Sheriff Failzy, that he be lyable as a Borgh, *Jam. 3, Par. 14, cap. 101.*

That the Sheriff and Crowner should rhole an Affise, the last Day of the Justice-Air, *Ibid. cap. 103. See Crowner.*

The Sheriff Discharging Unlawful Convocation of the Leidges, and Disobeyed, may Cease the Court that Day, and Complain of the Disobeyers to the King, *Ibid. cap. 104.*

Sheriffs.

Sheriff, Stewarts, and Baillies, and other Officers, should Execute all Decrets, and their Fees appointed to be Twelve Pennies of each Pound, *Jam. 4, Par. 3, cap. 30.* The Act is, *Of the Defender not Comparing &c.* And that whether they be Sheriffs Ordinar, or in that Part, and to be payed by the Debitor, *Jam. 4, Par. 6, cap. 66.*

That there be a Sheriff appointed for Ross, and another for Caithness, *Jam. 4, Par. 6, Cap. 61.*

That Curofs and Tulliallen, come to the Sheriff-Court and Justice-Air of *Stirling*: And a farther particular Division of Shires made in the Act, *Ibid. cap. 76.*

But this Division, Ordained to be only for Justice-Airs, and not for Sheriff Courts, *Jam. 4, Par. 7, cap. 101.*

That Sheriffs, Stewarts, or Baillies, giving Seisin on Precepts forth of the Chancellery, Writ the Day and Year thereof, and bring the same to the Exchequer, (*See Seisin*) and this Act to be made, because Vassals are hurt by the lying out of their Over-Lords Un-entered, *Jam. 4, Par. 6, cap. 89.*

That Sheriffs cause Proclaim the Names of all Denounced and Registrat at the Horn in his Books, upon the Mercat Days, preceeding the Three Head-Courts, and that the Catalogue of them be affixed on the Mercat Cross, and in the Tolbuith, that they may be Repelled *ab agenda*, and that within Fifteen Days thereafter, they send their Names to the Thesaurer, that their Etcheats may be taken up, *Jam. 6, par. 6, cap. 75.* The Act is, *For punishment of persons that continually ly at the Horn &c.*

That the Sheriff Charge himself with, and make Compt of all Escheat Intromitted with by him, within his Jurisdiction, *Jam. 6, par. 11, cap. 75.*

That the Sheriffs give in Yearly at the beginning of the Session to the Lords, the Names of the Deputes and Clerks, they mind to make use of for that Year, and that they be Charged to find Caution, Burgeses Dwelling in *Edinburgh* Acted in the Books of Council, that they shall Yearly make due Compt and Payment in Exchequer, *Jam. 6, Par. 11, c. p. 81.* Ratified, *Cha. 2, Par. 1, Sess. 3, cap. 15.* The Act is, *For Inbringing of his Majesties Rents.*

That Sheriffs and all Judges Ordinary to Burgh, or to Laad, within Regality or Royalty, be Diligent to know the Laws, and put the same to Execution, specially in Searching, Pursuing, and Wairding Traitors and Rebels, as they will Answer at their Peril, under the same pains

incur'd by the Traitors; As also in Searching and Apprehending of Sorners, Vagabounds, strong Beggars, and Egyptians: As also, in giving Extracts of Seafins and Retour, at reasonable Prices, in bringing their Books and Compts Yearly to the Exchequer, and that they find Sovery for doing these things, and send in their Deputes and Clerks Yearly, the first of November, to the Lords of Session to be Examined and Admitted, under such pains as the Lords shall Modify, wherein it they Failzy, that they be Denounced, and all the Liedges Exempted from their Jurisdiction, *Jam. 6, Par. 12, cap. 126.*

The Office and Duty of Sheriffs, transiently summed up, *Cha. 2, Par. 1, Sess. 3, Cap. 15.* The Act is, *Act for Inbringing of his Majesties Rents.*

Act; For Enlarging the Shire of *Kinross*, and Disjoining it totally from the Shires of *F. ff.* and *Pe. sb.* and placing its particular Register of Seannas &c. at the Burgh of *Kinross*, *Jam. 7, par. 1, cap. 45.*

The Burgh of *Greenlaw*, declared to be the Head Burgh of the Shire of *Berwick*, and that all Publications, and Executions ordered to be made at the Head Burghs of Shires, to be made at the Sheriff Court kept there, *W. par. 1, Sess. 6, cap. 16.*

That all Proclamations and Executions formerly used at *Tapatta* of *Down*, be made at the Mercat Cross of *Down*, in the Stewartry of *Monteith*, *Cha. 34, Ibid.*

Sheriff-Clerk.

That the Sheriff-Clerks, come to the Exchequer with the Sheriffs, and bring their Books Subscribed with their Hands, *Jam. 5, Par. 6, cap. 79.* To remain in the Register, *Jam. 6, Par. 11, cap. 64.*

That Sheriffs-Clerks Books, be marked by the Register, as other Notars Books, and that the Authentick Copies be Reported Yearly, to remain in the Publick Register, and that they be Answerable for this Yearly in Exchequer, under the pain of Warding and Horning. *Jam. 6, Par. 15, cap. 275.*

Ship, see Merchant, and Navigation.

That Ships Breaking here, the Ship and Goods be Escheat to the King, if they be of a Country keeping such a Law, but if not, that they have such Favour as is shere shewen, *Jam. 1, Par. 9, cap. 124.*

That

That no Ship be Fraughted withom a Charter Party, whereof the points are, what the Master of the Ship shall Furnish to the Merchant, that in case of debate berwixt them, they underly the Jurisdiction of the Burgh, whereto the Ship is Fraughted: That Goods be not spilt by ill Stolling, that no Goods be thorn or stricken up; That the Master sure no Goods on his Over-lost, or if he do, these Goods pay no Fraught, nor do the Goods beneath Scat or Lot with them, in case they be Casten: That every Ship exceeding Five Last of Good, pay to the Chaplain of the Nation a Sack Fraught, and it within Five Last, the half of it, under the pain of Five Pounds: And that no Drink-Silver be taken by the Master, and his Doers, under the same pain, and homeward a Tun Fraught to the Kirk-Work of the Town, that they are Fraughted to. *Jam. 3, par. 2, cap. 14.*

This Act Ratified, And that no Goods be Sured on the Over-lost, nor the Merchants Goods stricken up, nor Spaked, nor Riven, under the pain of Twenty Pounds to the King. *Jam. 3, Pa.: 14, c.p. 109.*

That no Ship be Fraughted outward with Staple Goods, from Simon and Judes Day, till the Candlemas, under the pain of Five Pounds, *Jam: 3, Par. 2, cap. 15.* and *Jam. 5, par. 4, cap. 25.* where the pain is raised to Twenty Pounds, and *Jam. 4, Par. 2, cap. 14.* where the time Prohibite, is from Hallowmas to Candlemas, excepting that any Goods may be sent forth in the time foresaid, in Ships that bring in Sak, or Wine, *Jam. 5, Par. 4, cap. 25.*

That no Ships pass forth of the Realm, without the Kings Cocquet, *Jam. 6, Par. 2, cap. 40. See Cocquet.*

Ships reckoned amongst Goods Moveable, *Jam. 6, par. 4, cap. 56. The Act is, Salt should not be Transported.*

That all Ships be Victualed within Free Burghs and Ports, at the sight of the Magistrats, and Customers there, and marked by them, and if any more be found, that it be Confiscat. *Jam. 6, par. 5, cap. 67. The Act is, Attendant the carrying of Flesh forth of the Kingdom in Ships &c.*

That all Ship Masters have a Testificat from the nearest Magistrats for all his Passengers Imported or Exported, under such punishment as the Council shall please insist, and this Act to continue during his Majesties pleasure, *Jam. 7, par. 1, cap. 27. but Rescinded W. and M. par. 1, Sess. 2, cap. 28.*

That all Foreign Ships arriving in this Kingdom, pay Twenty Four Shillings per Tun, except such as come for,

and actually Export Coall, which are to pay Eight *Shilling per Tunn*; And that this with the Four *Shilling per Tunn* on our own Ships, continue for Five Years from this Date first of September 1698, *W. Par. 1, Sess. 7, cap. 18.* The Act contains a Destination with an Exception of the *African Companies Ships.*

Shooting, *see* Guns. Signet.

That all Letters passing under the Signet of the Session, be subscribed by a Writer to the Signet, except Letters of Diligence betwixt the Session, and of Citation before the Parliament, which are to be subscribed by the Clerks of Session, *W. and M. Par. 1, Sess. 5, cap. 40.*

Signature.

The Date of Signatures should be filled up, with the hands of the Thesaurer, Collector, Comptroller, Thesaurer of new Augmentations, and Secretary, or their principal Clerks, and bear on the Back the Date of the Registration; And siclike the Date of the Signeting, Writing to, and passing the Privy Seal, should be Marked, and the trial of Antedates not to be received but on great Adminicle, and a great Sum consigned; and by the Writers, principal Officers their Deputes, or Clerks, Writers to, and Keepers of the Seals; and no others, and the Falshood, if found, to be punished with the pains of Falshood, and lese Majesty, and three Parts of the Lands and Goods Forefaulted to belong to the King, and the Fourth to the Party injured, *Jam. 6, Par. 12, cap. 135.*

That no Signatures or Letters, be presented to his Majesty, but by his ordinary Officers, unto whose Offices they properly belong, otherwise the saids Officers are commanded, under their highest Peril to stop the same, and the said Stopping shall be reputed good Service, *Jam. 6, Par. 10, cap. 30.*

Ratified, and that the saids Officers cause Registrar the Doquet of the saids Signatures in a Register, and send the Double thereof to his Majesties Secretary under their hands, that he may give his Majesty notice of all prior or different Deeds, *Car. 2, Pa. 1, Sess. 1, cap. 60.*

Simonie.

Any Condition made by the Intrant, with the Patron, Reserving to the Minister a sufficient Maintenance answerable

rable to the State of the Benefice, is declared not to be *Simoniacal*; And the Lords of Session are appointed Judges in this Matter, *Jam. 6, Par. 21, cap. 1. See Patron.*

Singing, *see* Musick.

**Silk, *see* Forbidden Goods,
to be Imported.**

Skin and Birn.

That Beef, Mutton, and the like, be presented to the Mercat, with the Hide, Skin, and Birn, under the pain of Escheat thereof, *2. M. Par. 9, cap. 85.*

Skinners.

Act in Favours of Skinners, that no wild Skins with the Hair be Exported, but first made in Work; And that no Gloves be Imported, both under pain of Confiscation, half to the King, and half to the Informer, and a Fine to be Imposed by the Exchequer: And it's Declared that the Act 1661, for Manufacturies is not to prejudice the Skinner Craft, and Incorporation in any Burgh, *W. and M. Par. 1, Sef. 5, Cap. 36.*

Slaughter.

Where-ever Slaughter is committed in Royalty, Regality, or Burgh, the Sheriff should pursue the Slayer while he be taken, or put out of the Shire, and in this case advertise the next Sheriff, or Lord of Regality, or his Baillie, who shall do the like Diligence, *and forthwith*, until the Slayer be taken, or put out of the Realm; And that the Slayer when taken, be sent back to be tried, to the Sheriff where the Deed was done, and if the Deed be found to be Forethought Felony, the Slayer shall Die for it, in case the first Sheriff Apprehended the Slayer, that he put him in sicker Fastness, and the Law to be done within Forty Days at the farthest, and it i. be red-hand, within that Sun, *Jam. 1, Par. 6, cap. 89.*

The same Renewed, and Extended to Demembration as well as Slaughter, *Jam. 4, Par. 3, cap. 28.*

And in case of Escape, that the respective Sheriffs Denounce the Slayer Fugitive, and Forbid his Harboring, Retier, or Help, under the pain of Life and Goods, *Jam. 1, Par. 6, cap. 90.*

And these Acts, *Jam. 1, Par. 6, cap. 89, and 90. Re-
vised*

rified, and that the Sheriffs Negligence be in the King's Will, and Removed for three Years, *Jam. 3, Par. 5, cap. 35. and Jam. 5, Par. 7, cap. 97.*

If a Man be slain in the Barrony, that the Slayer be Areasted, and the Law done by the Barron, if he have Power, otherwise he shall send him to the Sheriff; but if he escape unareasted through sloth, or Favour of the Barron, the Barron shall pay Twenty Pounds, or he and his Officer Imprisoned, and at the King's Will, *Jam. 1, Par. 6, cap. 91.*

That the Officers in Burghs Areast the Man-slayer in like manner, *Ibid. cap. 92.*

If the Sheriff, or Minister of the Regality, Ministers not the Law, and this may be Proven by an Affize, or Witnesing of worthy and true Men, Three, Four, or more, that then he be Imprisoned Fourty Days, and pay Fourty Pounds to the King, and the croy to the nearest of Kin of the Slain, *Ibid. cap. 93.* But probably the Act should say, if any Sheriff or Minister of the Royalty, &c. and so the Title should be changed as appears by the next Act.

That the Lord of Regality wilfully Negligent be punished in like manner; And if the Minister of the Regality Fail, he shall be punished by his Lord, as the Sheriff by the King, and Aldermen and Baillies in Burghs, to be punished by the Kings Justice, *Ibid. cap. 95.*

Where the Committer of Slaughter flees to Girth, See *Jam. 3, par. 1, Cap. 36, in Girth, See also Fore-Thoughts Fellowship.*

That if the Man-slayer be put to the parties Horn, he shall not be Relaxed, or have Dilators of Fourty dayes, but upon sufficient Citation, and if he then Failzie to compare, that he be put to the Kings Horn, and his Goods Escheat, *Jam. 3, par. 6, cap. 42.*

That the Man-slayer charged by the Sheriff personally, or at his Dwelling House, and at the Mercat-Cross of the head Burgh of the Shire, where the Slaughter is committed upon Six dayes, to find Caution, and disobeying be denounced, and his Goods Escheated, and Intimation made to the next Sheriff, *Jam. 3, Par. 14, cap. 100. See Relaxation.*

Soap, and Soap-Works.

Oyl, Potatoes, and all other materials for Soap-Works, and Soap making, and all Soap made within the Countrey, declared free of Custom and Excise, and other publick or private dues whatsoever: As also all Soap so made, and Exported, to be free for Nineteen Years after the setting up of the saide Works, and after the date of this

Act, for such as are already set up, *Cha. 2, Par. 1, Sess. 1, cap. 4^e.*

Sorners.

That no Man Ride or Gang with more Men, nor may suffice, and for whom he will make payment, *Jam. 1, Par. 1, cap. 5.*

That no Companys pass in the Country, and ly on the Kings Leidges, or Thug, or Scjourn Hortie on them under the pain of afflicting the King, and Perty Complainer, *Ibid. cap. 7.*

That Inquisition be made by all Judges against Sorners, Masterful Beggars, Bards, and made Fools to be punished by Imprisonment, so long as they have of their own to live upon, and trae they have not, by Nailing their Lug, cutting off their Ears, and Banishment, and if they be found again that they be Hanged, *Jam. 2, Par. 6, cap. 21.*

That Sorners be punished forth with by the Justices as Theives or Reivers, *Jam. 2, Par. 11, cap. 45, Ratified, Jam. 3, Par. 10, Cap. 78.*

That in all Justice Airts, Inquisition be taken of Sorners, Bards, and Feigned Fools, *Jam. 2, Par. 14, cap. 79.*

Spears.

That in all Spears be Six Elms in length, under the pain of Escheat of the Spears, and the maker or Homebringer to be in the Kings Will, *Jam. 3, Par. 6, cap. 44.*

That Spears be Five Elms and an half in length, *Jam. 3, Par. 11, cap. 81.*

Spulzie.

That in open and Publick Reists and Spulzies, the Sheriff cause the SpulZiers or Reseters make Restitution, and Arrest both them and the Goods to the Law, and if they disobey, denounce them; And if the Sheriff refuse, that he be demanded by the Leutenent as the Spulziers should have been, *Jam. 2, Par. 5, cap. 9.*

And this Act to be fulfilled by the Lords of Regalities also, with assistance of the Lord of the Ryal, and it need be, and if the Lords of Regality fail, the Sheriff may fulfil it within the Regalities, *Ibid. Cap. 10.*

The Spulzie being proven, whether the Spulzier compare or not, the Spulzied Goods should be restored, his Expences payed, and also the King; unlaw, *Jam 2, Par. 6, Cap. 19.*

Summonds of Recent Spulzie should be execute upon
Fifteen

Fifteen days, *Jam. 4. par. 6, cap. 65, See it in Summons.*

That for a Depredation, Reiffs, and Spulzies particular Justice Courts may be set at the discretion of the Lords of Session, the matter being first civilly decided, *Jam. 5, Par. 4. Cap. 34. The Act is, The Crowner may Arrest Fugitives, &c.*

In case of Theft and Reiff by broken Borderers or Highlanders, the party may pursue for his Skaiths, to be modified by his own Oath, either before the Lords of Session, or the Justices whereupon Execution shall pass against both the Principals and their Soverties, *Jam. 6, Par. 11. cap. 34. See Clanns and Highlands.*

Stalker, *see* Wild-Beasts.

Stalkers, slayers of Deer, shall pay Fourry *shillings* to the King, and their Holders Ten pounds, and this to be point of Dittay, *Jam. 1, Par. 2, cap. 36.*

Stanck.

That none take Fish out of others Stancks, under the pain of Dittay and Thiert, *Jam. 3, Par. 7, cap. 60. See it, with the Act following in Thieft.*

That Lords or Lairds make Parks, Stancks, Cunnings, Dowcats, and Orchards, *Jam. 4, par. 6, cap. 74. See it in Planting and policy.*

Stealing, *see* Thieft,

Steward, *see* Judge and Sheriff.

Stranger.

That Strangers selling Mercandize for Money within the Realm, either wair their Mony for Penny worth, or pay the Custom of Fourty pennies per pound, *Jam. 1, par. 1, cap. 16.* Strangers Merchants coming in the Realm with Victual and other leifful Merchandice, should be Honourably and Favourably Treated, and not troubled with Arrestments, and after entry made, the King should be first served, and then the Lords of his Council, according to the price agreed with the Merchants, and the rest sold freely, *Jam. 3, Par. 10, cap. 72.* Ratified and enlarged; And that the King and his Lords be first served for Good and thankful Payment, *Jam. 3, par. 14, cap. 114.*

**Students, *see* University.
Studes, and Stude-places.**

That Studes, and Stude-places be furnished with Meise and Stallions, *Jam. 5, Par. 4, cap. 19.*

Subscription.

That Writes under Seal, without the Subscription of the Party, and Witnesses, or an Notar for the party, it he cannot Writ, make no Faith, *Jam. 5, par. 7, cap. 117.*

That all Writs of Heretage, or of importance be subscribed, and Sealed by the party, or if he cannot Write by Two Famous Notars, before Four Famous Witnesses well designed, and present at the time, or otherwise the saids Writes to make no Faith, *Jam. 6, Par. 6, cap. 80.*

But this Act as to Sealing is declared not to be understood of Writs bearing Registration, a consent to the Registration being a greater Solemnity, and the due subscribing thereof sufficient: And notwithstanding of the said Act one Notar with a sufficient number of honest Witnesses is declared to be sufficient in Inseiments of Seafin, *Jam. 6, par. 9, cap. 4.*

Noblemen and Bishops, only are allowed to Subscribe by their Titles, and all others should subscribe by their Names and Sur-names, and may it they please adject their Designation of, &c. Such a place, otherwise they may be punished by the Council upon Information of the Lyon, and his Brecheren, *Cha. 2, par. 2, Sess: 3, cap. 21.* The Act is, *Concerning the Priviledge of the Office of the Lyon King at Armes.*

Succession, *see* Testament.

Act asserting the Right of Succession to the Crown of Scotland, to devolve immediatly according to the Proximity of Blood, and that no difference of Religion, or Law made, or to be made can alter, or divert the said Right, nor stop, or hinder the Successor, in the full, free and actual administration, according to the Laws of the Kingdom, and that it is high Treason by Writing, Speaking, or any other manner of way to endeavour the alteration, Suspension, or diversion of the said Right, or to debarr the Lawful Successor, from the immediat, actual, full and free Administration of the Government, conform to the Laws of the Kingdom, *Cha. 2, Par. 3, cap. 2.*

B b

Swear-

Swearing.

Particular pains ordained against Profane Swearers, with gradual Augmentations, and ending in Banishment, *2. M. Par. 5. cap. 16.*

Ratified with an Augmentation of the pains, and that Magistrates, to Burgh, and Landwart, appoint Centures in Publick Mercats, and Fairs, with power to exact the saids pains, and that House-holders, delate Offenders within their Houses, under the pain to be esteemed as Offenders themselves, *Jam. 6, Par. 7, cap. 103.*

Ratification of all Acts made against Swearing and Cursing; And farther, that who shall Blaspheme, Swear, or Curse, shall pay, the Nobleman, Twenty Pounds, the Baron, Twenty Merks, the Gentleman Heretor, or Burgessee, Ten Merks, the Yeoman Fourty shillings, the Serwant Twenty shillings *toties quoties*, and the Minister the Fifth part of his Stipend, to be applyed as in the Act, anent Justices of peace, and the insolvent to be punished in their persons, *Cha. 2. Par. 1, Sess. 1, Cap. 19, Ratified, Cha. 2, Par. 2, Sess. 3, cap. 22. See it in Profaneness.*

Summonds.

The Summonder may make his rehearse in Court by Writ, or Tongue, keeping the Six Termis of Summonds, and he must have sufficient Witnesses of diverse Baronies, who shall Swear in Court the Truth of the Summonds, *Jam. 1, Par. 9, cap. 113.*

The order of Summonding persons, Continuations, and their Fines, with the manner of putting the Pursuer in Possession of their Lands and Goods, after Three Dyets, and their recovery thereof, and if the party be condemned, that his Lands and Goods be recognised in the Kings Hands, and if he has none, then shall he be outlawed, and put to the Horn, *Jam. 2, Par. 6, Cap. 29, (these are old Forms)*

Summonds peremptor before the King and Council, Abridged to Twenty one dayes, *Jam. 3, Par. 1, cap. 6.*

In Summonds of Errours, the Members of Inquest should appear personally, because it may depend on their Infames, and the Summonds proceeds, whether the Party called for his Interest compear or not, and the Pursuer of this Summonds not insisting, payes the Expences of the party, and an unlaw of Fourty shillings, and so in other Summonds, *Jam. 4, Par. 3, cap. 33.*

Summonds of Recent Spulzie, if raised within Fifteen days, after the committing of the Spulzie may be made on Fifteen days, and no dilator to be admitted, if the Summonds be lawfully indorsed, *Jam. 4, Par. 6, cap. 65.*

Summonds privileged, are Recent Spulzies, calling of Letters, redeeming of Lands, Acts of Adjournal, Actions of Tinsel against Superiours, Reductions of inordinat process before the Sheriffs, and Bailliets, and recreating, and transferring of Decrees, except Letters that concern Horning, which shall have Process at all times, *Jam. 5, Par. 5. cap. 44. See Session.*

A person being Summoned Eight dayes before he go forth of the Realm, if it be not *Rei-publica causa*, the Process goes on against him, as if he were not forth of the Realm, upon Warnings at his dwelling place, or if he has none, or has not leit a Procurator, at the Mercat-Cross of the Head Burgh of the Shire, where he most resorted of before, and this to have place in Civil Acts only, but not against Witnesses, *Q. M. Par. 6, cap. 32, See Executions.*

Act and Letters of Continuation discharged, and that in Liew thereof, all Summonds in use to have been continued, contain Two Dyets, and be directed to Sheriffs and Messengers Respective, and be Execute to the first Dyer, and after elapsing of the dayes of first Citation, to the second Dyer, in the same manner, and with the same effects, as Summonds, Acts, and Letters were used formerly, *Car. 2, par. 2, Sess. 3, cap. 6.*

But notwithstanding this Act, Citations for the first and second Dyer allowed to be given at the same time, providing it be done by a Messenger as formerly in use. *Item,* That all Copies of Summonds, and of all other Letters given to parties, bear at length, and not in figures the day of the delivery, with the Names and Designations of the Witnesses, as in the Execution, Certifying the Messenger omitting, that he shall incur Deprivation, *W. and M. Par. 1. Sess. 4. Cap. 12.*

Sumptuary Laws, *see* Apparel.

Superiour.

That Superiors charged by their Vassals upon Fourty days, enter to their Superiorities, otherwayes tine the same, for that Vassals Lifetime, and must affix his Skaith

and

and the Vassal is to be entered by the next Superior, *Jam. 3, Par. 7, cap. 51.*

That the Mails and Duties of Lands pertaining to Vassals that have been Year and Day at the Horn, return again to the Superiors, for the Vassals Lifetime, except in Crimes of Treason, and lese-Majesty, *Jam. 5, Par. 4, cap. 32.*

Superiorities of Kirk-lands *see Kirklands.*

Supersedere.

All Supersederes, or Licences granted by the King to Persons at the Horn, forbidden, and declared null, and void. *Jam. 6, par. 11, cap. 47.*

Superstition, *see Pilgrimage and Religion.*

Supply Royal; *see Annuity; 4000 Pounds sterl.*

Act of Convention for a supply to His Majesty of Ten Hundred Thousand Merks, to be raised in Five Years by way of Taxation, Act of Convention, 4, of *August 1665.*

Act of Convention for a Supply to his Majesty of a Twelve Months Cess, being Seventy two Thousand pound per Menssem, in all Eight Hundred and Sixty Four Thousand pound, Act of Convention, 23 of *January 1667.*

Act for a Supply to his Majesty of Three Hundred and Sixty Thousand Pounds, to be raised by way of Assessment, at the Terms in the Year specified in the Act, *Cha. 2, Par. 2, Sess. 2, cap. 3.*

Act for a Supply to His Majesty of Eight Hundred and Sixty Four Thousand Pounds, to be raised by way of Assessment, and payed at Four Terms, *Lambmas 1672, Candlemas 1673, Candlemas 1674.* And that no man be obliged to produce Discharges thereof after the second of *February 1681.* And a Retention is granted of a sixth part of Annual rents from *Martinmas 1672.* to *Martinmas 1673.* for ease of the Heretors, and Land-Rent, *Cha. 2, Par. 2, Sess. 3, cap. 4.*

Act of Convention for Supply to his Majesty of Twenty Five

Five Moneths Cefs, being Eighteen Hundred Thousand pounds, to be raised in Five Years, Five Moneths yearly, beginning the first Term at *Martinsmas*, 1678. *Act of Convention*, 28 July 1678.

Act and offer of a new Supply to his Majesty, by continuation of the saids Five Months Cefs *per Annum*, for other Five Years, after the Term of *Martinsmas* 1683 inclusive, and that none be obliged to produce Discharges of this Supply, after the Tenth of June 1691, And that Heretors for their Releif, may tax the Inhabitants upon their Ground, as in the *Act*, and the order of Uplifting, and Quartering for this Cefs, is set down in the *Act*, *Cha.* 2, *Par.* 3, *Cap.* 3.

Act of Supply of Eight Months Cefs Yearly, to King James the Seventh during his Life, Commencing from *Whitsunday* 1685 and so furth, and a Pole allowed to the Heretors lyable in payment for their Releif, *Jam.* 7, *Par.* cap. 13. But this Liferent Cefs, is declared to be Extinct and not Due, by the 32 *Act* of the Convention of States Anno 1689, Imposing of new Four Months for the Term of *Whitsunday* that Year.

Act, For better Inbringing the Supply, given to his Majesty in the Convention 1678. *Item*, Statuting that Cefs bear Annualrent after Six Months, from its falling Due, and the Number of Six Foot, allowed by the *Act* 1611, to be employed in Quartering for each 1000 *libs.* of Deficiency Augmented to Fifteen, and how and for what time Quartering Morey is to be exacted, *Jam.* 7, *Par.* 1, *Sess.* 2, *cap.* 2.

Act, For raising a Supply of Twenty Eight Months Cefs to their Majesties, bearing the Ordinary Powers to the Commissioners, As also Power to Rectify Valuations, and it is ordained, That there be a Valuation of the Shire of *Berwick* becaule it hath none, and that in the mean time they pay as formerly. *W. and M. Par.* 1, *Sess.* 2, *cap.* 6. *Item*, A Pole allowed to the Heretors lyable in payment for their Releif, *cap.* 9, *Ibid.* Additional Supply of the Sixth Part of all Free Annualrents to be payed by the Debitor, *cap.* 10, *Ibid.* But this altered and Abrogat, *W. and M. Par.* 1, *Sess.* 3, *cap.* 2. By which *Act*, Three Months Cefs, with the Hearth-Money, at Fourteen *Shilling* per Hearth, is given in Lieu thereof, As also Debtors for their Ease, are allowed to retain the Sixth Part of their Annualrents, for the *Martinsmas* and *Whitsunday* hereafter, and it is Declared to be Usury not to Grant this Retention. *W. and M. Par.* 1, *Sess.* 3, *cap.* 2.

Act, For a new Supply of Ten Months Cefs, and an

halt, to be Uplifted at three Terms, *W. and M. Par. 1, Sess. 4, cap. 2.*

Act, For Six Months Supply at two Terms, *Lambmas* 1695, and *Candlemas* 1696, and Retention of One per cent, of Annualrents, Granted from *Whitsunday* 1695, to *Whitsunday* 1696, *Sess. 5, cap. 7. Ibid. Item*, Three Months more added, payable at *Lambmas* 1695, as above *cap. 29, Ibid.*

Act for Eighteen Months Supply payable at nine Terms, from *Martinmas* 1696, to *Martinmas* 1698, both inclusive, and Retention as above granted, from *Martinmas* 1696, to *Whitsunday* 1698, *Sej. 6, cap. 1, Ibid.*

Act, For Sixteen Months Supply, payable in Eight Terms, from *Martinmas* 1698, to *Martinmas* 1700, both inclusive, and Retention of a Twelfth Part of the Six per cent, given to each Debitor during the said two Years space, *Sess. 7, cap. 1.*

Act, For Twelve Months Supply, being six Months Yearly, from the first of *December* 1700, to the first of *December* 1702, with the Parliaments Consent to the keeping up 3000 Men for that time, and allowing Retention to Debtors, of the Twelfth Part of the six per cent for the said time, viz. From *Martinmas* 1700, to *Martinmas* 1702; And this Cess strictly Destinat to the pay of the Forces. *Item*, This and all the foregoing *Acts* Provided, that none be obliged to produce their Discharges after three Years, from the Terms of Payment, unless Diligence be done by Denunciation, within three Years, *Sess. 9, cap. 19.*

Supremacy, *see* King, Suspension, *see* Minister, and Vacant Stipend.

That no Suspension be paid against Bishop, Minister, or Master of University, or Colledge, of any Charge for their Dues on special Decrees, except upon Production of Discharges, or upon Confignation, and if the Rent Charged for be Victual of a Hundred Merks for each Chalder, but prejudice of a higher Modification at the Discussing, and that Bills of Suspension of General Letters, the time of Session, be first shewed to the Charger, and if either the Charge of Suspension be found Malicious, the Lords of the Session may Modify a fifth part of the Sum for Expences, *Cha. 2, Par. 2, Sess. 1, cap. 6.*

That

That in Discussing of Suspensions, the Lords of Session declare, whether the Suspension, and (so of the Charge) was Calumnious or not; In which case they are to Decerne for the whole Expences, and Damages given up in a particular Accompt, and Deponed upon by the other Party, without Defalcation. *W. Par. 1, Sess. 6, cap. 22.*

**Synod Diocesan, *see* Kirk,
and Ministers.**

Synod-National.

Act anent the Constitution of a Synod-National, where- by his Majesty hath the Power of Proposing by the Arch-Bishop or St. *Andrews* President, by himself, or his Com- missioners, and no Act to be Valid, unless agreed to by the President and Major Part, and unless it be Consistent with his Majesties Prerogative, and the Laws, and be Con- firmed by his Majesty, or his Commissioner, *Cha. 2, Par. 1, Sess. 3, Cap. 5.*

T.

**Tack, and Tacksman, *see*
Tennent.**

That Tacks being set to Labourers, the Takers shall remain therewith, unto the issue of the Terms there- of, for the Mail they took them, to whose hands soever the Lands come, *Jam. 2, Par. 6, Cap. 17.*

But who takes Land in Wodset, syne for Mail, long- time after, the Land be quite our for half Mail, or there- by, that these Tacks be not kept after the out-quiting, un- less they be set for the very Mail, or thereby, *Ibid. cap. 18.*

How, and for what Years and space, Beneficed Per- sons may set their Benefices, and Fruits thereof, *See in Be- neficed Persons.*

Tailzies.

Act allowing Tailzies to be made, with the ordinary Irritant and Resolutive Clauses expressed in the Act, pro- viding the same be insert in the Procuratories of Resigna- tion, Chartours, Precepts, and Instruments of Seisin, and
that

that the Tailz be produced, and a Record made of the Maker, Heirs of the Tailz, Lands or Baronies, Provisions and Conditions, and Irritances, in a particular Register, to be kept for that effect, and which provisions and Irritances are to be Reported in all after conveyances, in which case the said Tailzies are declared to be Real, and Effectual, not only against the Contraveener, and his Heirs, but also against Creditors, Adjudgers and Singular Successors, and the omitting to repeat in the said after Conveyances is declared to be a Contravention, against the Omitter and his Heirs, but not against Creditors and Singular Successors, but nothing in this Act, is to prejudice his Majesty, as to Confiscations or Fines for Crimes, nor Superiors as to their Casualties, nor are these Fines or Casualties to Import any Contravention. *Jam. 7, Par. 1, cap. 22.*

Tallow.

That no Tallow be had out of the Realm, under the pain of Escheat of it. *Jam. 1, Par. 2, Cap. 32.*

And farther of all the Owners Moveables, As also of the Moveables of the Master, or Skipper of the Vessel, that receives it, *Jam. 5, Par. 7, Cap. 123. and 2, M, Par. 6, Cap. 40.*

That none Melt, Rind, nor Barrel Tallow, under the foresaid pain. *Jam. 5, Par. 7, Cap. 123. See Forbidden Goods.*

Tavern.

That no Man in Burgh, be found in Tavern or Ale-House, after the straik of Nine, and the Bell ringing, under the pain of Warding, and the Aldermen and Bailles negligent in this, to be Fined by the Chamberlain in Fifty *Shillings*, *Jam. 1, Par. 13, cap. 144.*

Taxation, see Supply.

Order for speedy Inbringing the Taxation, then Granted, and found that the King could not Grant Discharges of that Taxation, being Granted by the Three Estates, to the Embassador, for his Marriage, *Jam. 4, par. 2, cap. 9.*

An Taxation of Two Hundred Thousand Merks, Granted to the King, and Proportioned thus, the Sum of an Hundred Thousand Merks, by the Spiritual Estate, the Sum of Sixty six Thousand, Six Hundred and Futy six Merks, Eight *Shillings* Ten Pennies, by the Barons and Free-Holders; And the Sum of Thirty three Thousand, Three

Three Hundred Thirty three *Merks*, Four *Shillings* Six *pennies*, by the Burrows; And the Burrows part as here stated, is Tax to Fourty *Shillings* upon the Pound Land, of old Extent, and the Act contains at length, the form and manner of Uplifting it. *Jam. 6, Par. 15, cap. 278. Anno 1587.*

Another Taxation Granted to his Majesty, of Thirty *Shillings* the Pound Land of old Extent, Termly for Four Terms, for the Barons and Free-Holders, and the Spiritual Estate, and the Burrows to pay their parts of the said Taxation, effairand to the said Tax upon the Barons; As also an extraordinary Taxation of the Twenty Penny of all Free Annualrents for Four Years, *Jam. 6, par. 23, Cap. 2. Anno 1621.*

Act, Anent the Collecting and Inbringing of this Taxation, and Relcief of Prelates, *Ibid. cap. 3.*

An Taxation Granted to his Majesty, of Thirty *Shillings* the Pound Land of old Extent, Termly for six Terms or Years, for the Barons and Free-Holders, and so proportionally for the Spiritual Estate, and Estate of Burrows, beginning the first Term, or Year, at *Martinmass 1634*, with an extraordinary Taxation of the Sixteenth Penny of all Free Annualrent Yearly, the saids six Years, *Cha. 1, par. 1, cap. 1, 28 June 1633.*

Act, Anent the Collecting and Inbringing of this Taxation, and for the Relcief of Prelates, *Ibid. cap. 2.*

Supply to his Majesty, of Ten Hundred Thousand *Merks*, to be raised in Five Years, by way of Taxation, Act of Convention, 4 *August 1665 See Supply.*

Teind, and Teinding.

That Teind Masters Teind within Eight Days, after shearing of the Corns, as the same are ready, or otherways the Labourers requiring them openly in the Paroch Kirk, three Sabbaths in the Forenoon, after the shearing, may at the sight of Two Honest Neighbours, Sworn before Witnesses, Separate the Stock from the Teind, upon the Ground, which he should keep from Beasts, until the first of *November. Jam. 6, Par. 6, Cap. 73.*

But these three Sabbaths are Reduced to Two, providing there be Fourteen Dayes fully Interjected, betwixt the Day of Requisition, and the Day of Teinding. *Jam. 6, Par. 11, Cap. 48.*

That Teinding, if the Owner please, be at three times, the Cross-Corn at one time, the Bear at the second, and the Out-Field-Corn at the third; And that Fifteen Days after shearing of each sort, Teinding may be required on Seven Days.

Days, and the Owner if not Answered, may Teind and Stack *as supra*. Jam: 6, Par. 18, cap. 8.

Teinding at three times as in the last Act, again Statute; And that Eight Days after shearing of each sort, Teinding may be required upon other Eight Days, and if not obtained, that the Owaer may Teind, and Stack, as above. Jam. 6, Par. 21, cap. 5.

But thir Days of Requisition are shortned to Four, and it is appointed to be made to the Teind-Master, at his Dwelling House, if present, and if not, to his Factor Personally, or to the Minister, and at the Factors Dwelling House, which Factor the Teind-Master is ordained to Name, and appoint within the Paroch, or some Clachan next to it, and Intimar the same the last Sunday of July, or first Sunday of August publickly, otherways Teinding may proceed, after the said Eight and Four Days, and the Owner is only bound to keep the Separat Teind, upon the Ground Eight Days thereafter. and it is Declared, That a Third Part shall be repure, shorn as said is, albeit about a Tenth of it be left standing, and the same order is to be used as to this Tenth Part, when shorn. Jam: 6, Par. 32, cap. 9.

That each Heretor have the Leading and Drawing of his own Teind, whether Parsonage or Vicarage, the samen being first Valued, and either bought by him, or he paying the Rate thereof, which is declared to be the Fifth part of the constant Rent of Stock, and Teind, or if the Teind be valued severally, then the Rate is the Valuation thereof, deducing a Fifth part for the Heretors ease, that the price of all Teinds be Nine Years Purchase, the same being Estimate at the Rates of the Countrey, and the Heretors have liberty to buy at this Rate, (except the Teinds locally Assigned to the Minister) any time berwixt and Martinmas 1635; or if the Teind be not yet Valued, within two Years after the expeding of the Valuation, unless the Titular be Minor, or otherwise impeded to Sell, in which case the Heretor offering to buy as said is, shall be admitted as soon as the Impediment is removed, but if the Heretor be Minor, his Minority helps him not as to the saids two Years, only for the Neglect he hath Action against his Tutors and Curators: And where there is a Liferenter, the Heretor buying must give the Liferenter the Leading, and Drawing for Payment of the Rate, but the buying or not buying prejudice not his Majesty as to the Annuity; and all other Questions are referred to the Commissioners to be appointed in this Parliament for Valuation of Teinds, and this Act obliges not Arch-Bishops, Bishops, and other Beneficed Persons being Ministers,

Ministers, but according to the Provisions and Conditions set down in the Submission made by the Bishops in the Year 1628: And the Viccarage being a several Benefice, is ordained in Favours of the Titular or Minister serving the Cure, to be valued a part, *Car, 1, Par, 1, cap, 17, Anno 1633.*

But these Provisions set down in the Submission made by the Bishops, are restricted to that whereof they, and other Beneficed Persons and Colleges, Hospitals, and other Dotations to Pious Uses were in actual Possession of, the time of the Submission, which is to remain according to the foresaid Provisions, *Ibid. cap. 19.* The Act is, *Commission for Valuation of Teinds not valued, &c.*

Commission for Valuation of Teinds, and Rectifying Valuations already made; As also, for Planting and providing of Kirks, and for perfecting the Act of Parliament, Annexing the Superiorities of Kirk-Lands to the Crown, Car. 1, Par, 1, cap, 19. The Ranking of the Bishops, Officers of State, and Noblemen is singular in this Commission.

Commission for Valuation of Teinds, Car, 2, Par, 1, Sess. 1, cap, 61. See it in Plantation of Kirks.

Act whereby in respect of the Clause, in the Bishops and Clergies Submission 1627, that they should enjoy the Fruits and Rents of their Benefices as they were Possessed by them for the time. All Valuations of Teinds whereof they were then in Possession, by Leading and Drawing, or by uplitting the Rental Bolls made since the Year 1637, are declared void and null, providing that Heretors whose Teinds belong to the said Clergy, and were in Tack the time of the said Submission, shall be in the same case they were in by the Decree Arbitral given upon the said Submission; And by the Act, *Car, 1, Par, 1, cap, 19. (above) Car, 2, Par, 1, Sess, 2, cap, 9.*

Commission for Valuation of Teinds: It excepts no Teinds from Valuation, save such as Bishops, and other Beneficed Persons, Ministers were in Possession of, by Leading and Drawing in the Year 1628: And providing the Bishops be not prejudged in their Rents, as they Possessed in the Year 1637. And Heretors are admitted to buy three Years after Valuation, *Car, 2, Par, 1, Sess, 3, cap, 28.*

Commission for Valuation of Teinds, Car, 2, Par, 2, Sess. 3, cap, 15. See it in Plantation of Kirks.

Commission for Valuation of Teinds, Jam, 7, Par, cap, 28. See Plantation of Kirks.

Tennent.

That whatever way Lands happen to be altered, to a singular

Singular Successor, by Ward, Decease of a Liferenter, Sale, or otherwise, the Tenant, Labourer, and Inhabitant shall not be Removed, until the next *Whitsunday* thereafter, he paying to the Intraunt Lord, the Duty used and wont, *Jam. 4, Par. 3, cap. 26.*

Terce.

The Relict shall be Terced, and bruick her Terce, if her Marriage was not challenged in her Husbands Life, but she repune a Lawful Wife, ay and while it be clearly Decerned that she was not a lawful Wife; And that therefore she should have no Terce, *Jam. 4, Par. 6, cap. 77.*

That in time coming, where a particular Provision shall be granted by a Back-bond, in Favours of a Wife, he shall be secluded from all Terce, unless it shall be expresly Reserved in the same Writ, but prejudice, nevertheless to Contracts and Provisions already made, which are to be in Force, according to the former Law and Custom, *Car. 2, Par. 3, cap. 10.*

Terms and Time, *see* Adjudication.

That the ordinary Terms of *Whitsunday* and *Martinsmas*, be in time coming the Fifteen Day of May, and *Martinsmas*, W. and M. *Par. 1, Sess. 2, Cap. 39.* And that the said Fifteen Day of May be in place of *Whitsunday* as to all Effects, as well as to Removings, *Sess. 4, cap. 25. Ibid.*

Test.

Act anent the Test, that all Persons in publick Trust or Employment, Ecclesiastick, Civil, or Military (the *Act* contains a long and particular enumeration) sign the Test subjoynd to the *Act*, in manner therein set down (the King's lawful Brothens, and Son: only excepted) under the pain of being declared Un capable of publick Trust, and amitting their Moveable and Liferent Escheats, on Half to the Informer, the other to the King; And that the Privy Council see this *Act* put to Execution, *Car. 2, Par. 3, cap. 6. see the Act in Religion.*

Act Supplying and Extending the Enumeration of publick Trusts set down in the former *Act*, *Ibid. cap. 25.*

The taking of the Test farther Extended, *Jam. 7, Par. 1, cap. 13.* But all these *Acts* anent the Test Rescinded by the 13. *Act* of the Convention 1689, and the *Act* W. and M. *Par. 1, Sess. 2, Cap. 28.*

Testament,

Testament, *see* Executors, and Quot.

That where Persons Die within Age, so as they cannot make Testament, the Nearest of Kin should have their Goods, without prejudice of the ordinary Quot, *Jam. 5, Par. 7, cap. 120.*

That no Charges of Horning for Confirming of Testaments be given at the Procurator-fiscals instance, but upon a Roll, subscribed by the Commissar, and within three Years after the Defuncts Decease; And that no Caption be used thereon, but where the Horning hath been Execute against the Party personally, or at his Dwelling-House, and Paroch-Kirk-Door, on a Sabbath after Divine Service Certifying Commissars, Fiscals, Clerks, or other Members of Court, that if they Contraveen this Act, they shall be Deprived, *Car. 2, Par. 2, Sef. 1, cap. 19.*

All Charging or requiring Persons to Confirm Testaments Discharged, except at the Instance of the Relist, Bairns, Nearest of Kin, or Creditors, Declaring that where special Assignations or Dispositions are made by any Defunct in his Life, they shall be good and sufficient, without any Intimation, tho neither Intimate, nor made publick in the Granters Life, *W. and M. Par. 1, Sef. 2, Cap. 26.*

Thanksgiving-Days.

The Fifth of *August* yearly, appointed to be a Day of Thanksgiving to GOD for ever, for King *James* the Sixth his preservation from the Treasonable Attempts of the Earl of Gowry, and his Brother, with abstinence from all Works that may distract from the said Exercise, *Jam. 6, Par. 15, cap. 1.*

The Twenty Ninth of *May* yearly, appointed for the solemn Commemoration of the King's Restauration; And for that end that it be set apart as an Holy Day unto the LORD, and be employed in Prayer, Preaching, and Praising, and lawtul and suitable Diversifements, with abstinence from all handy-labour, and other ordinary Employments, *Car. 2, Par. 1, Sef. 1, cap. 17.*

But this Act, as to the Narrative is Altered, and the Words of the Appointment Renewed in other Terms, and the not Observers ordained to be Fined, and otherways Punished by the Council, and other Judges ordinary according to their Condition and Estate, *Car. 2, Par. 2, Sef. 3, cap. 12.*

An Abridgement of the Thieft.

That Dittay be taken of them that Steals Green Wood, or peels Bark off Trees; and that they be Punished in Fourty *shillings* to the King; and Assish the Parry: And siclike of Breakers of Orchyards, Srealers of Fruits, Destroyers of Cunningares and Dovecots, *Jam. 1, Par. 2, cap. 33.*

That the the Stealer of Wood in another Lords Land, be there Arrested, and suffer Justice in his Court, and in none other, *Ibid. cap. 34.*

That no Lord of Regality under the pain of Tinsel of his Regality, nor Sheriff, Justice, and Barron, under the pain of Tinsel of Lite and Goods, sell any Thieft, or Fine with him of Thieft-dome; And this Statute to endure, during the Kings Will, *Jam. 1, Par. 13, cap. 13.*

Justice should be done on Thieves, as soon as may be, without abiding Fourty days, *Ibid. cap. 142.* And where the Justice cannot hold, Justice of Masterful-men, that be certifie the King, who shall provide remedy in all haste, *Jam. 2, Par. 6, cap. 26.*

That no Man take, or steal Eggs out of Partridges or wild Ducks Nests, under the pain of Fourty *shilling*, *Jam. 3, Par. 7, cap. 60.*

That no Man Hunt, Shoot, or slay Deer or Rea, in others closes, or take Cunnings, Fowls or Fish out of others Cunningsairs, Dovecots, or Stancks, under the pain of Dittay, and Thieft, *Jam. 3, Par. 7, cap. 60. and Jam. 5, Par. 4, cap. 13, and 14.* nor steal Hives, and that these be points of Dittay, and the Unlaw Ten Pounds, beside the Parties Skaith; And if Children under Age commit any of thir things, that their Fathers, or Masters pay Thirteen *shillings* Four Pennies for ilk an of them, or deliver them to the Judge to be Scourged, *Jam. 4, Par. 6, cap. 69.*

And that the foresaid Acts be Extended to stealing of Fruit-Trees, Barking of Trees in Woods, and Fowlers with Nets, *2. M. Par. 6, cap. 58.*

These Acts Ratified, with pains pecunia^l of Ten, Twenty, and Fourty Pounds, or pains corporal of Prison and Stocks, and even to Death, inclusive, for the first, second, and third Fault, *Jam. 6, Par. 6, cap. 84.*

All Ratified; And that who breaks down Woods, Parks, Dykes, Fences, or Closures, or Pastures, or cuts Broom, or Grass within the same, or breaks Dovecots, or steals Bees, or steals Fish out of other Mens Stancks, or Lochs may be conveyed betor the Secret Council, or any iust, your Judge, but the pain in the Justice Court not to exceed-

ceed Fourry Pounds; and before the Council, as the Council shall think fit to appoint, without prejudice to the Execution of former Acts, *Jam. 6, Par. 19, cap. 3.*

The Master or Holder of a Thief, if required by the Parry, should Exhibite him before the Judge, or deliver him to the Parry, under the pain of Art and Part, and making of Restitution; And that no Man, attacking a Thief, concord with him, and take Thieft-boot, and put him from Law under the pain of of being Accused as the Principal Thief: And the wrongous Accuser of another for Thieft pays him Ten Pounds for the Slander, *Jam. 5, Par. 1, cap. 2.*

The Referters or Assisters of Thieves, or Intercommuners with them for that Effect, may be pursued either before the Justices, as Art, and Part, or called civilly before the Lords on fifteen days, without Diet or Table; And that all Sheriffs, Baillies, &c. put the saids Matters to Inquisition, by an Assize of the Countrey, and make report to the Justices within fifteen days thereafter.

That no Thiet take any Scots-man, under the pain of Treason, and that Leill Men so taken be not holden to enter to them, but their Bands and Soverities theretore given are Discharged. And if any of the saids Thieves charge, Charge on the said Bands, that they incurr the pain of Treason; That Leill Men taking Thieves committing Thieft, or in going to, or coming from it, if they have not power of themselves, to Justifie them to Death, present them to the Justice within fifteen Days. That none take, or sit under the Assurance of Thieves, or pay them black Mail, or give them Meate, Drink, Refect, Maintenance, or Supply in their Thieftuous Decds, under the pain of Death, and Escheat of their Moveables; That all Men rise, and raise the Fray, and follow after Thieves; and help to take them, or to recover the Goods, under the pain of being holden for Partakers; And that the Justice Execute the Law, with rigour without Favour or delay, *Jam. 6, Par. 1, cap. 21. Death Intimate to be the pain of Thieft, Jam. 6, Par. 6, cap. 74. And more plainly, Par. 7, cap. 112. Par. 11, cap. 83. Par. 18, cap. 9.*

Who keeps any Scots or English Thieft in his Company openly, or privately, in the Kings Court, or in the Burgh of Edinburgh, shall be repure and punished as a Favourer and maintainer of Thieves and Thieft, *Jam. 6, Par. 11, cap. 102.*

That they that sell the Goods of Thieves of Clans, that dare not come to Mercats in the Low Lands themselves, incurr Banishment, and Escheat of Moveables, Halt to the

King, the other Half to the Apprehender, *Ibid. cap. 109.*
 Ratification of the whole Laws, and Acts anent Theift
 Boot, Refet of Theift, and the Intertainers of; and Inter-
 communers with Thieves, ordaining them to be put to Ex-
 ecution, *Jam. 6, Par. 13, cap. 174.*

That the Person from whom Goods are ftollen purfuing
 the Thief *ufque ad Sententiam*, fhall have his own Goods
 again, where ever they can be had, or the Value, with the
 Expence, out of the readieft of the Thieves Goods, without
 prejudice to the Sheriffs, and other Magiftrats, and Takers
 of the Thief, of there Expence in taking and Executing him,
Car. 2, Par. 1, Sef. 1, cap. 26.

Act againft stealing Dogs and Hawks, See Game.

Thirds of Benefices.

That the Thirds of all Benefices be payed to the Minifters,
 and they being payed of their Stipends, the Superplus to be
 applyed to the Kings ufe, *Jam. 6, Par. 1, cap. 10.*

Act declaring that the Thirds of Benefices Common
 Kirks, Friers Lands and Rents being only deftinate to thefe
 two ufes, might be no otherwife given, nor employed;
 And therefore all Pensions, Liferents, or Tacks of the Su-
 perplus of the faids Thirds, or of any Common Kirk,
 for longer than a Year, or whereby the faids Thirds, Su-
 perplus thereof, firft and beft Rental of Common Kirks,
 Friers Lands, and Rents thereof hath been diminifhed, or
 altered fince the laft Affumption are declared to be null;
 but prejudice always of whatfoever Infeftments granted by
 the King in diminution of the faids Thirds, *Jam. 6, Par.
 12, cap. 121.*

Ratified, and all Exceptions made therefra, in the Act it
 felt, or otherwife, are declared null, excepting only that
 anent Infeftments; And but prejudice of the College Juftice
 and Lords thereof, as to their Priviledges, *Jam. 6, Par. 12,
 cap. 141. See Minifters.*

Benefices of Cure, being Laick Patronages provided to
 Minifters ferving and refiding at the Kirks thereof, are freed
 of Thirds, and the fame declared to be a part of their
 Living, *Jam. 6, Par. 12, cap. 158.*

All Tacks in diminution of the Rental, and Pensions out
 of the Thirds, are declared Null; And that it is not leaſom
 to the King to difpone the fame, any manner of way, *Jam.
 6, Par. 15, cap. 240.*

Tin,

Tin, *see* Pewther.

Tobacco.

Act Discharging a new Imposition laid upon Tobacco, in December 1671, and allowing the Import thereof free of all other Impositions, except the ordinary Custom and Excise. *Cha. 2, par. 2, Sess. 4, cap. 4.*

Trade, *see* Burghs.

Act Regulating the Liberty of Trade betwixt the Royal Burghs, and others. *Cha. 2, Par. 2, Sess. 3, cap. 5.*
See the Act in Burgh.

That none Import into this Kingdom, any Threed, Lace, Fringes, Traces, or Buttons of Gold and Silver threed, or any Stuffs, Ribbons in which there is any Gold or Silver threed, or Philagram of Gold or Silver, to be worn on Apparel, or any of their Counterfeits, or any Flowered Stript, Figured, Checkered, Painted, or Printed Silk Stuffs or Ribbons, (Watered, or Changing Coloured Stuffs, or Ribbons not included) or any Imbroi-dering of Silk on wearing Cloaths, with Certification the thing shall be Burnt or Destroyed, and the Importers and Retelers Fined in the Value; And the wearing of any thing of the Premisses, after the first of April 1682, is prohibe, under the pain of Confiscation of the Cloaths, and Five Hundred Merks of Fine *toties quoties*, except that such as are of the Kings Forces, have allowance two Years after November 1681 to wear out their Cloaths, upon which there is any Gold or Silver. That none Import to this Kingdom any Foreign Holland, Linnen, Cambrick, Lawn, Dornick, Damask, or any other Foreign Stuff or Cloath made of Linnen, or Cottoun, Wool or Lint, (Flan-nen, Arras-Hangings, Carpets, made Bed of Silk, or Da-mask-Hangings, Chairs and Stools not included) any Foreign Silk, or Woolen Stockings, Laces of Silk, Gimp, or Threed, and any Laces, or Point of any sort or Colour, any Foreign made Gloves, Shoes, Boots, or Slippers, and any wearing Cloaths made Abroad for Men, Women or Children, (except what Persons have used, and bring Home from Abroad with them) with Certification, that the thing Imported contrary thereto, shall be Burnt or Destroyed, and the Importers or Retelers Fined in the Va-lue: And the Act contains most strict Orders to Custom-ers and Searchers, and appoints Informers and Judges for Execution. And it is declared to be in place of any former sumptuary Law, aent Apparel. *Cha. 2, Par. 3, cap.*

3, cap. 12. The Act is, *Act for Encouraging of Trade and Manufactories.*

Act for the Communication of Trade, Ratifying Mr. *John Buchans* Contract, and ordering in what manner, and with what Quota or Burden, Trade may be Communicat to Burghs of Regality and Barony, and other Unfree Traders thereatter; And all are Discharged to Exercise any kind of Trade except Burgessees, Indwellers in Royal Burghs, and their Free Ports, with consent of their Burghs, and such as get this Communication, who may also appoint Stent-Masters in their Towns, for Stenting the Burden of their Quota, of the Burrows Tax Roll Equally. *W. and M. par. 1, Sess. 4, cap. 31.*

Act allowing Merchants to enter into Companies for Trade, in any Subject or sort of Goods, and to any part of the World, not in War with their Majesties, which Companies being entred into as is usual in other parts, consistently always with the Laws of the Kingdom are hereby approven, with all Powers, Rights, and Priviledges, given to Companies for Manufactures, and their Majesties Promises to give them Letters Patent under the Great Seal, with all accustomed Solemnities: And the Parliament Recommends it to their Majesties, to Assist them in the Recovery of their Ships or Goods, unduly Seased or Molested, by the publick Means, and at publick Expences, And that for Seven Years after the Date of this Act, or farther after Erecting of the said Companies as their Majesties shall see cause. *W. and M. Par. 1, Sess. 4, cap. 32.*

Act for a Company Trading to *Affrica* and the *Indies*, And the Act is so full and Ample, as to the Liberties, Immunities, Powers, and Priviledges, given to the Company, that they can only be best understood by Reading the Act. *W. and M. Par. 1, Sess. 5, cap. 8.* And all the Temporary Priviledges and Immunities Granted by this Act, continued for Nine Years longer; And the said Act and Letters Patent thereon Ratified. *Sess. 9, cap. 13. Ibid.*

Act allowing the Administrators of the Common Good of Burrows, and of all other Incorporations, to Adventure in this Company Safely and Freely. *Sess. 5, cap. 42, Ibid.*

The Importing of any Cloath, Stuff, Ribbons, Fringes, Traceing or Buttons, wherein there is Gold or Silver Discharged, under the pain of burning the Goods, and 1000 *Merks* on the Importer, See the Execution as to the Horse and Foot Guards in Apparel. *W. Par. 1, Sess. 7, cap. 7. Act.*

Act and Commission for Settling the Communication of Trade. c. p. 20. *Ibid.* See the Act.

Transferring.

Transferring *Active* Superfluous, the Heir, Executor, or Assigney, producing their Titles and insisting in the Principal Cause, but Transferring *Passive*, to return as formerly. W. and M. par. 1, Sess. 4, cap. 15.

Treason; see Rebel.

That no Man openly Rebel against the Kings Person, under the pain of Forfeiture of Life and Goods. Jam. 1, Par. 1, cap. 3.

If any when required by the King Disobey, to Enforce him against Notour Rebellers against his Person, they shall be challenged as Favourers of such Rebellers, *Ibid.* cap. 4.

He who passes in England, and Resides there against the Kings Will, shall be holden as a Traitor. Jam. 1, par. 9, cap. 128.

To take Assurance of *Englishmen* is Forbidden, under the pain of Treason. Jam. 1, par. 13, cap. 141. and Jam. 2, par. 12, Cap. 51.

Who Committs Treason against the Kings Person or Majesty, raises in feir of War against him, layes hands on his Person Violently, of whatsoever Age he be, Refers or Supplies them that have Committed Treason, and holds them against the King, or Struffs Houses of their own, in Furtherance of Rebels, or that Assailzies Castles, or Places where the Kings Person shall be, without consent of the Three Estates, shall be punished as Traitors. Jam. 2, Par. 6, cap. 24.

To bring home Poyson is Treason, See Poyson. Jam. 2, Par. 6, cap. 31, and 32.

Persons suspect of Treason to be put in *Firmance*, and their Goods under sure Burrows, until they thole an Assise. Jam. 2, Par. 12, cap. 49.

That no Man pass into *England*, the time of War, without leave, under the pain of Treason. Jam. 2, Par. 12, cap. 50.

That none Supply *Berwick* or *Roxburgh*, or pass away with Goods taken in Raids until they be parted, under the pain of Treason, *Ibid.* 52.

If any Man raise a Pray in the Host wilfully without cause, he shall be Accused of Treason, and that these Acts be Intimat by the Heads-men, when Raids are made in *England*. Jam. 2, Par. 12, Cap. 54. See *England*.

A Promise and Oath made by the Three Estates, that none of them shall Maintain, Defend by Advocats, for or stand at the Bar, with Manifest Traitors, Common Men-Slayers, Thieves, Reavers, and the like, except with their Kin and Friends, in sober-ways, in Defence of them in Honest Actions; but that they shall Assist the King in doing Justice, and who Failzies herein, to be punished after the old Laws of the Majesty and other Laws. *Jam. 3, Par. 14, cap. 98.*

Wilful Fire-Raising declared to be Treason, and the Crime of Lese-Majesty. *Jam. 5, Par. 3, Cap. 8. See Fire-Raising.*

Treason against the Kings Person or Common-Wealth, may be Pursued against the Heirs of the Traitor, for Fore-faulting his Estate and Memory. *Jam. 5, Par. 6, cap. 69.*

To take any Prelates Place, the time of the Vacancy after their Decease, is Treason. *Jam. 5, Par. 7, Cap. 125. See it in Prelat.*

Traitors Accused and Declared in Parliament, being taken and Slain upon suddenty, or otherways, who moves Question against, or otherways Injuries the said Slayers theretor, incurs the pain of Treason. *2. M. par. 4, Cap. 8.*

That no Thief take any *Scotsman*, under the pain of Treason. *Jam. 6, par. 1, cap. 21. See it in Theift.*

That none decline the Kings Authority, or Impugn the Authority and Dignity of the Three Estates of Parliament, under the pain of Treason. *Jam. 6, par. 8, Cap. 129, and 130. See them in King and Parliament.*

He who Accuses another Calumniously of Treason, if the Parry be Acquitt, incurs the same Crime. *Jam. 6, par. 11, cap. 49.*

Landed Men, Convict of Common Theift, Reset of Theift, or Stuth, Reif, incurr the pain of Treason, That is Tinsel of Life, Lands, and Goods, *Ibid. cap. 50.*

Murther and Slaughter of a Person, under the Trust, Credit, Assurance, and Power of the Slayer is also Treason, and punishable as such, *Ibid. cap. 51.*

How Charges of Treason should be Execute, by Heraults or Macers, *See Jam. 6, Par. 12, cap. 125. The Act is, For Office of the Lion &c. in Execution.*

Wilful setting of Fire in Coal-Heughts, is declared to be Treason, and punishable by the pains thereof. *Jam. 6, par. 12, cap. 146. See Mass and Religion, and what is there made Treason.*

It is Treason to call in question, the Kings Prerogative, in Calling, Holding, Proroguing, or Dissolving Parliaments,

ments, or in Authorizing their Acts. *Cha. 2, Par. 1, Sess. 1, cap. 3.*

It is high Treason for the Subjects, more or less, upon any pretext, to rise, or continue in Arms, to Maintain Strengths, Forts, or Garrisons, to make Peace or War, or to make Treaties or Leagues, with Foreign Princes or States, or among themselves, without his Majesties special Authority first Interponed, *Ibid. cap. 5.*

That if any Person shall Plot, Contrive, or intend Dearth or Destruction to the King, or any Bodily Harm tending thereto, or any restraint upon his Person, or to Deprive, Depose, or Suspend him, from the Stile, Honour, and Kingly Name of this, or any other his Majesties Dominions, or to Suspend him from the Exercise of his Government, or to Levy War, or to take up Arms against him, or any Commissionat by him, or to entice Strangers, or Others, to Invade any of his Dominions: And by Writing, Printing, Preaching, or other malicious and advised Speaking, Express, or declare such their Treasonable Intentions, he shall be Adjudged a Traitor. *Cha. 2, Par. 1, Sess. 2, cap. 2.* The Act is, *Act for preservation of his Majesties Person &c.*

Act allowing Messengers to Execute Summonds of Treason, is marked in the Index of the Imprinted Acts, *Cha. 2, par. 1, Sess. 1, Act 13.*

In cases of Treasonable rising in Arms, and open and manifest Rebellion against his Majesty and his Authority, the Person Guilty, upon the Councils order, may be prosecute and Sentenced before the Justices, albeit absent as if present. *Cha. 2, Par. 2, Sess. 1, cap. 11.*

It is high Treason to endeavour the Alteration or Suspension of the Right of Succession to the Crown, as Settled by Act. *Cha. 2, Par. 3, cap. 2.*

Assassination, and the Asserting the Lawfulness thereof, declared to be Treason, *Ibid. cap. 15.* See it in *Assassination.*

The Custom of Citing Persons Imprisoned and Indited for Treason on 24 Hours Ratified, but for the future, such Criminals are allowed or rather ordered to be Cited on Fourty Eight, with liberty to them to apply for Exculpation, and a delay allowed to the Day thereof.

The giving or taking of the National Covenants as explained 1638, or of the League and Covenant, or Writing in Defence thereof, or Owning of them as Lawful or Obligatory, declared to be the Crime of Treason. *Jam. 7, Par. 1, cap. 5.* But this Act Rescinded. *W. and M. par. 2, Sess. 2, cap. 28.*

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The Concealing and not Revealing of Supplies given to or Demanded for Forfaulted Traitors, against the Kings Person or Government, declared to be Treason. *Jam. 7, Par. 1, cap. 28.*

Confessions of parties after having received an Indictment of Treason against the Kings person or Government alienary, before the Commissioners of Justiciary sitting in Judgement subscribed by the party or Judge, declared to be judicial and probative to the assise, tho not emitted in their presence, notwithstanding the Act, *Jam. 6, Par. 21, cap. 90.* But this to be of force only till the next Session of Parliament, *Jam. 7, Par. 1, cap. 10.*

Act ratifying the Opinion of the Lords of Session, That if any questioned by Judges or Commissioners, whether they own a Proclamation declaring War against the King, and asserting it lawful to kill all that serve him shall not disown the same, they are guilty of high Treason, and are and part of the said Proclamation, *Jam. 7, Par. 1, cap. 27.* But this opinion condemned by the claim of Right, and the Act rescinded, *W. and M. Par. 1, Sess. 2, cap. 28.*

Act declaring the going to the King of France Dominions after the first of June, or abiding therein after the first of August 1593, or corresponding with any thereon after the date of this Act, 23 of May 1593, and during the present War to be Treason. *W. and M. Par. 1, Sess. 4, cap. 8.*

That no person shall be lyable for the refet or corresponding with Traitors and Rebels, unless it be proven that he knew the person refet or corresponded with, *W. and M. Par. 1, Sess. 4, cap. 33.*

Act Ratifying a Proclamation of Council the 10 of May 1598, anew suspect persons coming from Forreign parts. *Item,* That none goe to the place of the late King James his Residence, nor converse there with his adherents or any denounced Fugitives for Rebellion, under the pain of being punished as Corresponders with Traitors, *W. Par. 1, Sess. 7, cap. 17.*

Thesaurer, see Exchequer.

Trent Decrees, see Religion.

Trespas, see Crime.

Trewes

Trewes.

That the Dayes of Trewes with *England* be kept,
Jam. 4, Par. 2, cap. 11.

Trust.

That no deed of Trust be found to be such for hereafter except verified by write, or the parties Oath simpliciter,
W. Par. 1, Sect. 6, cap. 25.

Tunnage, *see* Ships.

Tutors and Curators.

The nearest Agnat of Twenty five Years of Age to be Tutor of Law, albeit there be one nearer under age, *Jam. 3, Par. 7, cap. 52.*

The Mother remaining Widow, preferred to the Tutor in Law, as to the case mentioned in the Acts, *2, M. Par. 3, cap. 5, and Jam. 6, Par. 2, Cap. 42.*

That the nearest Agnat be preferred to the Tutor of Fools, and furious persons, according to the Common Law *Jam. 6, Par. 10, cap. 18, See Idiocy.*

That no Tutor, nor Curator, to Pupils, Minor, Idiot, or Furious person, nor already entered in the Office, have power to Act, or meddle with their Writs, or means until first he make Inventar of the Lands, Bands, Tickers, and Compts, and all Moveables under his charge, at sight of the Freinds on the Father side, and on the Mother side, of which Inventar there shall be three doubles, To wit, for the Tutor or Curator, and Freinds, on both sides subscribed by them all and recorded before the Judge Ordinary, And in case the Freinds on either side, after Citation concurr not, that the Inventar be made at sight of the Judge Ordinary and signed, Sealed, and confirmed as in the Act, That they also seeke as things come to their knowledge, and within Two Months after attaining the possession, and cause make an Act thereon, and leave two duplicates in the Clerks Hands, where the principal Inventar was made, and debtors are not to be obliged to pay, until they see their Sums contained in the saids Inventars, And if the saids Tutors, and Curators fail in the premisses, that they be lyable both for Intrussion and Omission, and get no allowance or Expences and be removable as suspect, but prejudice nevertheless to the saids Minors, and others, to super Charge their Tutors and Curators. That all Gifts of Tutorry, proceed upon Citation, or Consent, obtained in writ of the nearest of Kin, on both sides, and that the

Gifts

Gifts bear the same, or otherwise be declared null, at the instance of any obtaining a Lawful Gift, *Cha. 2, Par. 2, Sess. 3, cap. 2.*

A Father in his *Liege poultie*, may name Tutors and Curators for his Children, with this quality that they shall not be lyable for omissions, and only each for himself, and not in *solidum* and these Curators thus accepting, shall have the Office dureing Minority, it being still free to them to accept to be Curators who named to be, and exerceing as Tutors, yet it the Condition of these Tutors and Curators change, and Complaint be thereof made to the Lords, may ordain them to find Caution or remove them. *W. Par. 1, Sess. 6, cap. 8.*

That all Actions of Compt and Reckoning direct, or contrary raised, or to be raised betwixt Minors, and their Tutors or Curators prescribe, if not insisted in within Ten years after the Minors Majority, or Death in their Minority, but this prescription not to run against Minors. *cap. 9. Ibid.*

U.

Union.

Commission for treating anent the Union of Scotland and England, Reserving fundamental Laws, Rights, Offices, Dignities, and Liberties. *Jam. 6, Par. 17, cap. 1.*

Act anent the Union of the two Realms marked fig. 2. in the List of Imprimized Acts. *Jam. 6, Par. 19.*

Act Authorising certain Commissioners of the Kingdom of Scotland, to treat with the Commissioners of England about a farther Union of both Kingdoms. *Cha. 2, Par. 2, Sess. 2, Cap. 1. Anno 1670. the like Anno 1689, See Convention of Estates.*

University and Colledge.

Act empowering the Magistrates of free Burghs, in case they find Students, Bursars, and Masters of Colledges Vaiging, by Night, or by Day, within their Towns with Arms, to take their Arms from them. *Jam. 6, Par. 14, cap. 223.*

That no Masters, Principals, Regents, or Professors be admitted, or continued, in any University or Colledge, unless they be Pious, Loyal, and Peaceable, Submitting to, and owning Episcopal Government, as now settled, and that they Swear the Oath of Allegiance, and report a

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Certificat thereupon, as in the *Act. Cha. 2, Par. 1, Sess. 2, cap. 4.*

Act for better provision of the Universities, ordaining upon the Offer made by the Clergy Fifty Pound, out of every Thousand Merks of Bishops Rents, and Forty Pounds or Six per cent, out of every Thousand Merks of Ministers Rents, to be payed Yearly for Five Years after the Year 1664 *inclusive*, for the use of the saids Universities, in manner specified in the *Act*; As also the Vacant Stipends for Seven Years, after the Sixth of February 1664, are appointed for the same use, and the 52 *Act, Sess. 1*, of this Parliament, concerning Vacant Stipends, is in so far Suspended. *Cha. 2, Par. 1, Sess. 3, cap. 24.*

Act anent Suspensions of Charges by Masters of Universities for their Dues. *Cha. 2, par. 2, Sess. 2, cap. 6. See it in Suspension.*

Act Assigning Vacant Stipends, for the better Provision of the Professors, and Masters of the Universities, according to the Division therein specified, and that for Seven Years from the Year 1672 *inclusive*, with the Burden always of upholding the Manses, and the former *Act. Cha. 2, Par. 1, Sess. 3, cap. 24.* is declared Void. *Cha. 2, Par. 2, Sess. 3, cap. 20.*

Half a Months Cess Imposed, appointed for the University of St. *Andrews* for bettering their Stock, to be uplifted in the Years 1682 and 1683. *Cha. 2, par. 3, cap. 23.*

That all Professors, Principals, Regents, Masters or Others bearing Office in any University, College or School, Subscribe the Confession of Faith, Swear and Subscribe the Oath of Allegiance, and submit to the present Government of the Church, As also be of sufficient Abilities, and of a Pious Loyal, and Peaceable Conversation, or otherwise be Removed, and a Commission of Visitation granted for this, and other purposes expressed in the *Act*, with power to appoint Committees, and this Commission to endure untill recalled by their Majesties. *W. and M. Par. 1, Sess. 2, cap. 17.* And the *Quorum* of this Commission, appointed to be Eleven of the Number, notwithstanding the Major part be appointed by the former *Act. Sess. 4, cap. 41.*

The Priviledges granted to Ministers for thier Stipends, extended to Universities, Schools, and Hospitals for their Rents and Debts. *Sess. 6, cap. 14.*

Usury.

That Takers, or Makers of Bargains, for greater Interest, or Profit, for the Loan of Money, than at the Rate of Ten Pounds, or Five Bolls of *Wheat*, *per cent*, for the Year,

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Year, be punished as Usurers, conform to the Laws of the Land. *Jam. 6, Par. 11, cap. 52.*

Extended whether the same be taken upon wadd, Pledge, Obligation, A&t, or Contract, before-hand, or after, and the Party Payand, or Obliged for the said Usury, if he reveal it, shall be Discharged of the Debt, and if another reveal it, he shall have Right to the Sum, and the Receiver or Contractor for the said Unlawful Profit, shall Tine the Stock. *Jam. 6, Par. 14, cap. 222.*

But the Takers of the said Unlawful Profit are declared to be punishable by Confiscation of Moveables, and otherways in their Persons as Usurers, And that all Annualrent in Victual be Reduced, and may be acquit by payment of Ten per cent; And all Bands, Contracts or Inseftments, made in Defraud of this A&t, either by way of Wodset, for a Back-Tack-Duty, exceeding the said Annualrent, or under the colour of Buying, and Selling, or by Detention before hand, are declared Null, by way of Action or Exception, and the Party, with Concurrence, of the Kings Advocat, or the Kings Advocat without the Party, may Pursue the same, and the Nullity may be tryed by Oath of the Party or otherways, and being found, the Principal with the ordinar Annualrent unpaid, belongs to the King; and his Donators, and the Party if he concur, (and no otherways) hath Repetition of the Exorbitant Profites. *Jam. 6, Par. 15, cap. 247.*

And the meaning of this A&t, as to the probation by Oath of Party &c. thereinmentioned, declared thus, That Usury may be proven by Writ or Oath of the Party Receiver, and by the Witnesses insert in their Security, without taking the Oath of the Party Giver. *Jam. 6, Par. 16, cap. 7.*

That no Person Lending, or Giving out Money for Annual, retain the time of the Lending, or Exact, or receive the Annual before the Term, under the pain of Usury, yet at the time of Lending of the Annual, may be added to the Principal, providing that neither be exacted before the Term. *Jam 6, Par. 23, cap. 28.*

It is Usury to take a proper Wodset of Lands, exceeding in Rent, the Annualrent of the Money Lent, with a provision that the Creditor shall not be lyable to the hazard of the Fruits and Rents. *Cha. 2, Par. 1, Sess. 1, cap. 62. in Fine.*

Vacant

V.

Vacant Stipends.

THAT all Vacant Stipends, and Benefices be employed for the Supply, and Reparation of the losses of such in the Ministry, or Universities, as were thrust out, and suffered for their Loyalty, in the late Confusions, and of their Wives and Bairns, and that at the sight of the Council, without prejudice to Relict, and Executors of Ministers their Dues after the Ministers Decease, and this Act to endure for Seven Years, and longer as his Majesty shall think fit. *Cha. 2, Par. 1, Sess. 1, cap. 52. See Manfes.*

That the Vacant Stipends of all Churches, be employed by the Patron, on Pious Uses within the Paroch, as Building and Repairing of Bridges, Repairing of Churches, or Maintinance of the Poor, otherways the Patron to lose his Presentation for the next Vice, but with an exception of these Vacancies for Five Years, for the Uses mentioned in the Act, providing always the Manse be Maintained in the first place, as appointed by former Acts, *See Manfes.* But this Act not to be extended, to the Kings nor to Bishops Mensal and Patrimonial Churches. *Jam. 7, Par. 1, cap. 18.*

The Vacant Stipends and Benefices within the Synod of *Argyle*, applied to the Training up of Youths at Schools, and Colleges, and other Pious Uses within the Bounds, and the Synod is Impowered to Collect, and to make the Application with consent of the Heretors. *W. and M. Par. 1, Sess. 2, cap. 24.*

Vagabonds, *see* Beggars, Poor, and Strangers.

That all Men Certifie concerning Vagabonds and suspect persons, that they may be apprehended under the pains due to these Vagabonds, *Jam. 6, Par. 12, cap. 147. The Act is, for the Punishment of the Resettlers of Traitors, &c.*

Act for Establishing Correction-Houses in the Burghs, and in manner mentioned in the Act, for idle Beggars, and Vagabonds, *Car. 2, Par. 2, Sess. 3, cap. 18.*

Valentines.

The Kings close Orders to Land-Lords and Chieftains of
D d 2 Clans,

Clans, to produce notable Limmers, which should be obeyed, *Jam. 6, Par. 11, cap. 104. See it in High-Lands.*

Valuation of Teinds, see Plantation of Kirks.

Vassals, and Vassals of Bishops Lands. See Kirk-Lands.

Viſtual.

That Buyers of Viſtual, and Holders thereof to a Dearth, be repute as Ockerers, and ſo puniſhed, and the Viſtual Eſcheat to the King, *Jam. 2, Par. 6, cap. 22.*

That none that buy Viſtual to Sell again, hold more than will ſuſtain them, and their Menzie, till New Corn, under the pain of Eſcheat of the Viſtual, and that all have power to buy and ſell Viſtual, and that none hold old Stacks in their Yeards, longer than Zuil, under the pains of Eſcheat of the Stacks, *Ibid. cap. 23.* Order for the Threſhing out of Corns, then unthreſhen; *Jam. 2, Par. 9, cap. 37.*

That no Man hold Viſtual in Girnells, but allenarly for his own uſe, and finally until *Michaelmaſs* then next, *Ibid. cap. 38.*

That no Man hold more then will ſerve him and his Houſe for a Quarter, and that the Reſt be preſented in Mercat; *Ibid. cap. 39.* *Theſe three Acts ſeem to have been made for a preſſing Dearth.*

That Inbringers of Viſtual be Favourably Treated, and no new Cuſtom taken off them, *Jam. 2, Par. 10, cap. 40.*

All Men are Free to bring, and ſell Viſtual all the Days of the Week, as well as on the Mercat-Day, *Jam. 4, Par. 4, cap. 44.* The Act is, *Anent the taking of Muſtur of Four, &c.*

That none carry Viſtual Forth of the Realm, under the pain of Eſcheat of it, with the Reſt of the Owners Moveables; As alſo, of the Skippers Moveables, who received it, *2. M. Par. 6, cap. 40.*

Another Act againſt the Transporting of Viſtual and Goods (ſee Beſtial) either by Land, or by Sea, and tor ſtaying the Transport of Viſtual by Sea, that the Ship and whole Goods of the Maſter, and Clerk thereof be Eſcheat, in caſe of Contravention, and their Perſons Imprisoned at the Kings Will, and that Searchers be appointed by the Burgh,

Burgh, to Search with the Kings Searchers, and the one Half of the Victual found, to be Eichear to the King, and the other to the Burgh, *Jam. 6, Par. 11, cap. 55. See Bestial.*

That notice be taken what Victual Ships take in at their passing to Lochbroom, and the North Isles, to the Fishing in the Harvest, *Ibid. cap. 57.*

That Victual may be transported, when under the Prices following, *Wheat Twelve Pounds, Bear and Barley Eight Pounds, Oats and Pease, Eight Merks per Boll*; The former & not withstanding, the Victual paying Custom, and Bullion as formerly, but the Lords of Privy Council when they find it necessary may forbid this Export, *Car. 2, Par. 2, Sess. 3, cap. 12.* The Act is, *Act for Encouraging of Trade, and Pasturage.*

Imposition of Three Pounds Scots per Boll on Victual brought from *Ireland, Ibid. cap. 14. See Ireland.*

Victual Exported Discharged of Custom, Bullion, and all Dues, except one Merk per Chalder, and the Lords of Council are Authorized to Declare the Prices as in the Act, *Car. 2, Par. 1, Sess. 3, cap. 12.* (above,) and restrain this Export, when they see cause, *Car. 2, Par. 2, Sess. 1, cap. 14.*

Act Discharging the Importation of Victual from *Ireland, Car. 2, Par. 2, Sess. 3, cap. 3. See Ireland.*

Act for Encouraging the Exportation of Victual, that all Grains Exported after *Martinmas 1696*, shall be Free of any Dues for the Export: And farther that the Exporter have out of the Customs eight Merks for each Chalder Exported by Sea or Lands, when *Wheat* is at, or under twelve Pounds, *Bear, Barley, or Malt* eight pound, and *Pease, Oats, and Meal*, six pounds per Boll, and the Exportation by *Scott-Men* or Ships, and the Master and Three Fourth Parts of the Sea-men *Scots*, the Quantity to be verified by the Oath of the Exporter under his hand, attested by the Collector of the next Custom-House, but when Grains exceed the said Rates, the Council may forbid the Export, *W. Par. 1, Sess. 5, cap. 32.*

Act Ratifying the Proclamation of Council, giving a Premium for the Import of Victual in the then scarcity, and Declaring the King should be Reimbursed, *Sess. 6, cap. 27.*

Violent Possessor.

That Violent Intruders, and Possessors of other Mens Lands, be ejected by the Sheriff, upon the Complaint of the Party, *Jam. 2, Par. 14, cap. 78.*

An Abridgement of the Vitious Intromettor.

That the Confirmation of an Executor *qua* Creditor, shall not purge Vitious Intromission, unless the Intrometter have Right from him befor his Intromission, *W. Par. 1, Sess. 6, Cap. 20.*

W.

Wadset.

Tacks set at the granting of Wadsets, to Commence after the Redemption, for half Mail, or thereby, not to be kept, but they should be set for the true Mail, *Jam. 2, Par. 6, cap. 18. See it Tacks.*

That in case of proper Wadsets granted since the Year 1649, where the Rent exceeds the Annualrent, and yet the Creditor is expressly Freed of the Hazard of the Fruits and Rents, that the same be restricted to the Ordinary Annualrent, and the Superplus Rent compted for, and imputed to the Payment of the Principal Sum; And that all such Wadsets in time coming be judged Usury; and where the Creditor bears the said Hazard, yet if there be any Clauses irritant in the saids Wadsets, the same are Suspended for five Years after *Whitsunday 1661*. As also, the Debitor is allowed to Redeem, at any *Whitsunday* or *Martinmas* he pleases, albeit by the Right, the Redemption be Suspended, but where the Creditor and Granter of the Wadset have Transacted for an Irredeemable Right, the said Transactions are declared valde, at what time soever the saids Wadsets were granted; And farther, because of the Difficulties of former times; It is Ordained, that in case of any proper Wadsets already granted, the Creditor in time coming during the not Requisition, or Redemption upon offer made by the Debitor of sufficient Security, for his Annualrent shall be holden to renounce his Possession, at least (if this he rather please) to restrict the same to his ordinary Annualrent, and be comptable for the Superplus, providing always that the Creditor hath got compleat payment of his Annualrents, for all Years proceeding, all publick Burdens, Expences of Meliorations, and Leasies whatsoever being first discounted; of which Deductions the Lords are to take any reasonable probation with the Creditors Oath in Supplement; And that where he is in natural Possession with his own Goods, he be duely Warned and Removed: And it is Declared, that after this Favour the like shall not be granted

granted hereafter, as to lawful proper Wadsets, *Car. 2. Sess. 1, cap. 62.*

At that part of the Act anent Wadsets, The Act is, *Act for ordering the Payment of Debts, betwixt Creditor and Debitor.*

Warden of the Borders.

That the Warden choose such Deputs as he will stand for, and that the King Assist him and his Officers. *Jam. 2, Par. 6, cap. 15.* The Act is, *Trewes on the Borders should be kept &c.*

That there be no Wardens of the Borders made in Fee, and that they Judge not of Treason, or Points of Dirty, saving what is needful for Conservation of the Trewes. *Jam. 2, Par. 11, cap. 42.*

That no Man go away with Goods, taken in the Wardens Raids, before they be parted, under the pain of Treason. *Jam. 2, Par. 12, Cap. 52.* The Act is, *That no Scotsman supply Berwick, &c.*

The Warden may continue his Courts for three Days or shorter. *Jam. 3, Par. 12, Cap. 87.*

Warden of the Cunzy, see Money.

That there be a Warden for Essayng the Cunzy. *Jam. 3, Par. 13, cap. 93.* And his Office more fully set down. *Jam. 4, Par. 1, cap. 2.*

Ward-Holding, and Wardatar.

That the Wardator required by the Sheriff, find Sovereignty not to destroy the Lands, but to keep them in sicklike kind as he finds them, and that a Reasonable Living be given to the Heir, if he have no other Lands. *Jam. 4, Par. 3, cap. 25.*

Ratified, and the Sheriff and other Officers strictly enjoined to put it in Execution, with Power to Charge for the said Sovereignty. *Jam. 5, Par. 4, cap. 15.*

The Perfect Age of an Heir Male in Ward-Lands, said to be Twenty One Years, and of an Heir Female Fourteen Years Compleat. *2. M. Par. 3, cap. 5. and Jam. 6, Par. 1, cap. 42.*

That such as Hold Lands Ward, or Feu, *cum maritagio* of the King, or of the Prince, Composing therefore, and getting the same changed to Feu, shall be free of the Marriage,

Marriage, as to all other Superiours, of whom they may hold other Lands Ward, sicklike as if they had continued to hold of the King, or Prince as formerly; But if they Annailzy their Lands so changed, then the Alienator, and his Heirs to have no longer the Benefite of this Act. *Cha. 2, Par. 1, Sess. 1, cap. 58.*

Wairning, *see* Removing.

That Wairning be made to Tennents Fourty Days before *Whitsunday*, any time within the Year, either Personally, or at their Dwelling Places, and on the Ground of the Lands, and a Copy delivered to Wife or Servants, or Failzyng thereof, affixed on the Gate or the Dwelling Place of the saids Lands, if any be, and thereafter the Precept to be Read in the Paroch Kirk where the Lands ly, upon a Sabbath before Noon, the time of Preaching or Prayers, and a Copy affixed on the Kirk Door, Fourty Days before the Term. *2. M. Par. 6, cap. 39.*

Water-Mett, *see* Metts and Measures.

Wayes.

Wayes to Mercat Towns, should be Twenty Foot Broad at least, and where larger kept so. *Cha. 2, Par. 1, Sess. 1, cap. 38, See Justices of Peace.*

Power and Rules given to the Sheriffs, and Justices of Peace, to Oversee and Mend High Ways, Bridges, and Ferries, and the Heretors in each Shire required to Stent themselves, if needful, for that effect, not exceeding Ten *Shillings* on the Hundred Pounds *per Annum*, and if the Justices neglect, the Charge is Committed to the Council, As also Letters of Horning and Pounding, are ordained to be direct by the Council upon this Act *Cha. 2, Par. 2, Sess. 1, Cap. 16.*

Act Correcting the former, as to the Terms of Mending therein specified, and referring it to the Justices at what time to call the Country to Mend Wayes, &c. Seed time and Harvest excepted; and to take Money (as in the Act) from such as by Reason of their distance cannot attend. *Ibid. Sess. 2, cap. 9.*

Ratification of the Acts *Cha. 2, Par. 2, Sess. 1, cap. 16. and Sess. 2, cap. 9.* And the Commissioners of Supply joined to the Justices of Peace for care of the High Wayes and Bridges, with power to choose their own Clerks, and the times of their Meetings appointed, and the pain of not

Meeting Twenty *Marks* for each Days absence. *Item*, That where Bridges and Ferries are in the Confinnes of two Shires, the Shires concurr according to their respective Valuations, and that Shires and Burghs, Repair and Uphold the Bridges within their respective Bounds, at the sight of the Privy Council. *Jam. 7, Par. 1, Sess. 2, cap. 8.* But marked to be Rescinded, *W. and M. Par. 1, Sess. 2, Cap. 28.*

Weapon-shawing, *see* Militia.

That Weapon-shawing, be made in ilk Shire Four times in the Year. *Jam. 1, Par. 2, Cap. 44.* And sicklike in Burrows, and that all Men be sufficiently Harnished and Armed. *Jam. 1, Par. 3, Cap. 60.* As also, that they be holden by Lords and Barons Spiritual and Temporal, four times in the Year; and that the Foot-Ball and Golf be cryed down, and Bow-marks made in each Paroch, and all berwixt Twelve Years and Fifty use Shooting. *Jam. 2, Par. 14, Cap. 64. and Jam. 3, Par. 6, Cap. 45.* The Act is, *The length of Spears &c.*

That all the Leidges be ready, well Abulzied for War, upon Eight Days warning to come to the King or his Lieutenant, for defence of the Realm, furnished with Victual and Expences for Twenty days after their coming: And Sheriffs; And also Baillies of Regalities and Baronies, hold the saids Weapon-Shawing, and amerariat them that are absent, or not well Abulzied, as in the former Act, *Jam. 3, Par. 13, Cap. 90.*

That the said Weapon-Shawing be made as said is in all places convenient within the Shire and that men be Armed, as is prescribed in the Act, and at the discretion of the Sheriff, or the Kings Commissioner in that part, *Jam. 4, par. 3, cap. 31.* And that neither Foot-ball or Golt, nor unprofitable sport for the Defence of the Realm be used, but shooting and Bow Marks, as is before appointed, *Ibid. cap. 32.*

That for keeping of Armour and Harness in time of Peace, all Scotland make Weapon-Shawings on Thursday in Whitsun-Week, *Jam. 4, Par. 6, cap. 75.*

That Weapon-Shawings be made twice in the Year, in the Moneths of *June* and *October*, at such dayes and place as shall please the Sheriff and Baillies to Burgh and to Land, and that the Musters be taken by them, or the Kings Commissioner in that part, *Jam. 5, Par. 6, cap. 85.*
The

The manner of Harness and Weapon-Shawings appointed, *Ibid.* cap. 87, and 88. And that all coming to Weapon-Shawings be inrolled with the manner of their Arms yearly, *Ibid.* Cap. 89. And Warnings to Weapon-Shawings to be on Twenty days, *Ibid.* cap. 90, And that Captains one or moe be chosen in ilk Paroch, by the Sheriff, and Baillie, with the Kings Commissioner in that part, by the advice of the most able in the Shire, to Muster their Companies twice each Moneth for *May, June and July*, and other Moneths also if they may, at what dayes they shall think fit, on Holy Days before Noon, *Ibid.* cap. 91, See *Militia*.

Weaver.

That no Weaver make any Searge, under the breadth of an Eln, and a Nail, Perpetuanaes, under three Quarters and an half, and Woollen Cloath, under an Eln and an half, under the pain of Twenty Pounds, and the Cloath or Stuff to be confiscat, half to his Majesty, half to the Discoverer. *Cha. 2, Par. 1, Sess. 1, cap. 42.*

That they make Linnen Cloath of Ten *shillings* per Eln, or above, an Eln, and two Inches Broad, under the pain of Imprisonment, and Twenty Pounds Fine, *Ibid.* cap. 43. See it in *Linmen*.

Weights, see Metts and Measures.

That Bread, and all Butcher Flesh be retailed by weight, and no otherwaife, under the pain of an Hundred Pounds *voies quoties*, *Car. 2, par. 3, Cap. 14.*

Wife.

That in Pecunial pains, Wives be weighed and considered, conform to the Blood and state of their Husbands, *Jam. 6, Par. 7, cap. 103.* The Act is, for punishment of the Blasphemy of Gods Name.

That Wives be lyable in their Husbands Fines, and that their Husbands pay the same for them; This statute in the case of Swearing, *Cha. 2, Par. 1, Sess. 1, cap. 38.* The Act is, *Anent Justices of Peace, &c.*

But in the case of Conventicling, the Wife's Fine is but the half her Husbands, and he is lyable for it, *Cha. 2, Par. 2, Sess. 2, cap. 5.* See it in *Conventicles*.

Wild

Wild Beasts, and Fowl, see Game.

That no Wild-Fowl be taken from the beginning of *Lentron*, until *August*, by no manner of Instrument, under the pain of *Fourty shillings*, *Jam. 1, Par. 7, cap. 109.*

That Wild-Fowl for Mans use be reserved, but Fowls of *Reiff*, *Eirns*, *Glaids &c.* As also *Ruicks* and *Crows* be destroyed, *Jam. 2, Par. 14, cap. 64.*

That no man slay *Dae*, *Rae*, nor *Deer* in time of *Storm*, or their *Kids*, while they be an year old, under the pain of *Ten Pounds*, *Jam. 3, Par. 7, cap. 61*, and *2. M. Par. 6, cap. 58*, And the pain augmented to an *Hundred Pounds* *Jam. 6, Par. 14, cap. 210*, and all former Acts thereanent Ratified, *Jam. 6, Par. 23, cap. 32. See Stalkers and Thieft.*

That no Man shoot a *Deer*, *Wild-beast*, or *Wild Fowl*, with any sort of *Gun*, under the pain of *Death*, and *Escheat* of *Moveables*, and that their *Moveables* be given for *Reward* to their *Apprehenders*, *W. and M. Par. 4, cap. 9*, and *Par. 6, cap. 51.*

Renewed against such as Shoot with *Guns* or *Bows* at *Dae*, *Rae*, *Hind*, *Hare*, *Cunning*, *Dove*, *Heron*, or *Fowl*, of *River*, under the pain of *Escheat* of *Moveables*, and if the *Offender* be *Vagabound*, having no *Goods* to be punished by *Imprisonment* *Fourty Dayes* for the first, and cutting off his *Right Hand* for the second Fault, *Jam. 6, par. 1, cap. 18.*

Ratified, And that the *Judge Ordinar*, put the same to *Execution*, under the pain of an *Hundred Pounds* for the first Fault, and to be doubled for each *Failzie* thereafter; And that *Heretors*, when required present, the *Offender* living upon his *Ground*, under the pain to be exacted off him by the *Judge Ordinar*, *Jam. 6, par. 7, cap. 123*, And both thir Acts Ratified, and the *Crime* ordained to be punished as the *Crime* of *Theift*, *Jam. 6, par. 11, cap. 59.*

That who slays hart, or any *Wild-Fowl*, at any time with *Gun* or *Girn*, or *Shoots*, at *Duck* or *Drake*, or other *Wild-Fowl*, with an *Hagbutt* incurs the pains of an *Hundred Pounds*, or to be punished in their persons, *Jam. 6, par. 14, cap. 210. See this Act in Forrests.*

And these Acts ratified, with *Power* to *Sheriffs*, *Stewards*, *Baillies* and *Barons*, to slay all lying *Dogs* used by *Fowlers*, and put the *Fowlers* in the *Stocks* for using them, the space of *Fourty Eight Hours*, *Jam. 6, Par. 15, cap. 266*, and *Par. 16, cap. 23.* And that none *Sell* or *Buy* any *Deer*, *Hares*, or *Wild-Fowl*

commonly chased by Haulks, under the pain of an Hundred Pounds, as well the Buyer as Seller, half to the King, half to the Apprehender, and in case of Inability, the Offender to be scourged : And all Judges to Burgh or Land, and Barons are hereto made Justices : and that none slay or eat Muir-Pouts before the third of July, nor Pertridge-Pouts before the Eight of September, but Cunnings, Wood-Cock, Plover, and Wild-Goose are excepted from this Act, *Ibid.* Par. 16, cap. 23.

That none Buy or Sell any Wild-Fowl, that is Pouts, Pertridges, Muir-Fowl, Black-Cocks, Gray-Hens, Ter-magants, Quallies, Caper-callies, &c. under the pain of an Hundred Pounds, to the Buyer or Seller, *Jam. 6, Par. 13, cap. 30, See Hunting and Haulking.*

Wine.

That none buy Wines from *Fleemings* of the Dam, under the pain of Escheat, *Jam. 1, Par. 13, cap. 147.*

That none bring home corrupt or mixt Wine, and that none Buy or Sell it after it is declared to be such ; And that no person mix Wine or Beer, all under the pain of Death, *Jam. 3, Par. 12, cap. 89.*

That Wines brought in by the East and West Seas be sold, the *Burdeaux* Wine, for Twenty Pounds the Tun and Ten Pennies the Pint, the *Rochel* Wine for Sixteen Pounds, the Tun, and Eight pennies the Pint, and the Wines bought in the East and West Seas, to be sold the *Burdeaux* Wine for Sixteen Pounds the Tun, and Eight pennies the Pint, And that the *Rochel* Wine at Twelve or Thirteen Pounds per Tun, and Six Pennies per Pint : And that no Taverner mix Wines, nor huird the same, but expose them to Seal for the prices foresaid, under the pain of Escheating of his Wines and Tinsel of his Freedom, *2. M. Par. 5, cap. 11.*

Ratified as to mixing and huirding of Wines, and the Magistrates of Burghs made Justices in that part, with power to sease and hold Courts Monethly for that effect, *Jam. 6, Par. 7, Cap. 126.*

That no Wines be brought home without a certificat of the price thereof, under the Towns Seal, where they were bought, and one Certificat be sufficient for the Wines of a Ship and the price be made of the common prices that Wines give the time of the buying, *Jam. 6, Par. 11, cap. 53.*

That the duty granted by the Estates to the King upon the Wines, be payed within Ten dayes after the Arriving thereof ; And that the Magistrates of the Burgh take Caution of the Merchant, Mariner, or home bringer, for this effect

effect, and that Letters of Horning on Ten dayes be direct against the said Magistrates; Home-bringers, or their Cautioners, in the option of the Collector on this Act, and that the person denounced thereupon, be not relaxed, until he pay the double of the duty, *Jam. 6, Par. 14, cap. 206. Customs of Wines. See Customs.*

Act prohibiting the import of all *French Wines* from any part after the first of *October 1701*, And until the same liberty of Importing our *Herring*, and other Goods to *France*, with the same Freedom and Immunity there, for *Scotts Ships* be granted to us, that any other Nation enjoys in that Kingdom; As also, Prohibiting the Import of all Brandy and other strong Waters, and of all Beer-aiger, Ale-aiger, or Vine-aiger from any part after the first of *May 1701*, under the pain of staving and destroying the Liquors and other pains in the Act; And in case any ship Import Wine from the Bay of *Biscay*, the merchant Importer, and Master of the Ship, and all the Seamen, must before unloading in presence of the Judge of the Port, and two Justices of the Peace, give their Oaths, that the Ship came from the Port mentioned in her Documents; And that they do not know or beleive the Wine Imported to be, or have any mixture of *French Wine*; And no Red Wine Imported from any part, betwixt *France* and the *Groyne exclusive*, after the said first of *October* to be sold by Retail for a greater price then *Fourteen shilling per Pint*, under the pain of *Five Hundred Marks, toties quoties*; And the Buying and Selling any of the said Prohibit Liquors after the first of *February 1702*, discharged under the pain of *Five Hundred Marks*, the Buyer as well as the Seller, beside the Confiscation and staving of the Liquor. *W. Par. 1, Sess. 9, cap. 10.*

Witch-craft.

That no man use any manner of Witch-craft, Sorcery, or Necromancy, nor give themselves out to any such Craft, there through abusing the People; And that no man seek any help or response, or consultation at any such users or Abusers, under the pain of Death, to be Execute by any Judge thereto having power, *2. M. Par. 9, cap. 73.*

Witnesses.

That hereafter only subscribing Witnesses be probative of the Parties Subscription, and that none in this case subscribe as Witness, unless he know the party, and saw him subscribe, or heard him give warrant to the Nottar, or saw him touch the Pen, or heard him acknowledge his Subscription, the time of the Witnesses Subscribing, other-

wife they shall be repute and punished as accessory to Forgery, That hereafter none but subscribing Witnesses be probative in Instruments of Seisin, or Resignation *ad Remanentiam*, or of Intimation or in Messengers Executions of Inhibitions, Interdictions, Hornings, or Arrestments, or in Executions of Summons used for Interruption of Prescription in real Rights; And that in all the saids cases the Witnesses be designed in the Body of the Writs, Instruments or Execution, otherwise the same to be null, *Car. 2, Par. 3, cap. 5.*

Witnesses cited in the cases of Treason, Field or House-Convencicles, or Church-Irregularities refusing to depone, are declared lyable as themselves guilty of these Crimes; But provided that these Depositions shall not militat against the Deponent, *Jam. 7, Par. 1, cap. 4.* But this Act, in so far as concerns Church-Irregularities, or Non-conformity appears to be Rescinded by the General Clause in the Act, *W. and M. Par. 1, Sess. 2, cap. 27.*

That Witnesses in all Proccesses, in all Courts be Examined in presence of the Parties, or their Advocats, if present; And that Testimonies be patent to Parties, in the Clerks Hands before Advising, *Jam: 7, Par. 1, Cap. 17.*

Common Women.

That Common Women be put at the outmost end of Towns, *Jam, 1, Par. 4, cap. 74.*

Wood, see Forrests, Planting and Thieft.

That the Unlaw of Green Wood, by Selling or Burning be Five Pound, and that the old Unlaw of Green Wood, as to the Destroyers, stand otherwise as before, *Jam: 4, Par. 6, cap. 71.*

That every Lord or Laird, plant at least an Aiker of Wood, where there are no great Woods or Forrests, *Ibid. cap. 74.*

That the pain of destroying Green Wood, by cutting peiling, burning or selling, or of new Hainings be for the first time Ten, for the second Twenty Pounds, and for the third time Death, *Jam: 5, par. 4, cap. 11.*

That these Acts be Execute, and that the Judges Ordinary hold two Courts Yearly, at Pasch and Martinmas for that effect, and cause Contraveeners find Caution to desist under the pain of an Hundred Pounds, as oft as they shall contraveen, *Jam: 6, Par. 1, cap. 30.*

That

That the Stealers, Peilers, or Destroyers of Green Wood, or hained Broom, may be pursued before the Barons, Shetiff, or Justice; And that the pains, Ten, Twenty, and Fourty Pound, or Prison, Stocks, or Irons, for Eight, Fifteen and thirty days, for the first, second, and third Fault, *Jam. 6 Par. 6, cap. 84.*

That wilful Destroyers, and cutters of growand Trees, be punished to the Death as Thieves, *Jam: 6, Par. 11, cap. 82.* The act is, Hochers, or Slayers of Horse, Oxen, &c.

Wolf.

The Barons hunt, and chase the Wolf, and the Wolfs Whelps, four times a Year; And as oft as they see them; And that the Tennents assist. *Jam: 1, Par. 7, cap. 154.*

That the Sheriff and Baillic Hunt the Wolf thrice in the Year, herwixt St. Marks day, and Lambmas; And that the Countrey rise with them for that end, *Jam: 6, Par. 14, Cap. 87.*

Wool.

That no Wool be transported out of the Kingdom under the pain of Confiscation thereof, and of the whole remanent Goods of the Owners and Transporters; And that no Licence be granted contrary to this Act, but that the Purchasers and Users thereof, Incurr the same pains, *Jam. 6, Par. 7. cap. 113.* The Act is, *Against the excesss of costly cleithing, &c.*

This Prohibition is subjoynd to the Regulation then made of Mens Apparel.

That Wool be not Transported to England, nor Sold to any English man in Scotland or England, who Transports the same to England, under the pain of Escheat thereof, and of all the Moveables of the actual Transporters. As also, of the Causers and Sellers thereof to be Transported, half to the King, and half to the Apprehender, and Warding for six Moneths, and otherwise at the Kings Will, Annulling all Licences, either granted, or to be granted, *Jam. 6, Par. 12, cap. 151.*

These Acts Ratified, and all Licences in the contrary Discharged; And the King promises to grant no such Licences for hereafter, *Jam. 6, Par. 13, cap. 250.*

That no Native or Stranger Export Wool, nor Skins with Wool upon them, until made in Work, or put to the best avail, under the pain of the Just value thereof, half to the King, and half to the Informer, and Prosecutor, and such farther Punishment as the Exchequer shall ap-

point : That none Forestall the Mercat of Wool, nor keep up the same to a Dearth, under the pain against Regraters and Forestallers (*see* Forestallers) And that for elshewing the decay of putting Stones, or the like Stuff therein, no Wool be wrapt up in the Fleece, under the pain of Confiscation, half to the King, and half to the Discoverer and Pursuer, declaring always, that the Exchequer may Licence the Export of Wool and Skins, as they shall see cause, *Car. 2. Par. 1, Sess. 1, cap. 40.* The Act is, *Act for Erecting of Manufactories.*

Act Ratifying all former Acts against the Exportation of Wool, and Skins with Wool on them, and Discharging of new the Exportation of all Wool, or Skins with Wool on them Scots or Forraign, or Worsted, or woollen Yearn under most strict pains; And the Act is full and particular as to the Execution: But only to indure for five Years, and until the next Session of Parliament thereafter inclusive.

Item, The Importation of *English* or *Irish* Wool is Forbidden under the like Penalties, till the first of *January* 1702; But the Prohibition of the Export of *English* or *Irish* Wool is only to indure till the next Session of Parliament inclusive, *W. Par. 1, Sess. 9, cap. 9.*

Writers, *see* Session.

That Clerks of the Signet be Sworn to be Faithful and Secret, *Jam. 5, Par. 5, cap. 59.* *Item*, What Prices they should rake, *Ibid. cap. 60.* and that they mark their Bills with their Names, *Ibid. cap. 61.* *See the Acts in Session.*

That Writers to the Signet Frame no Signature or Letter, to be past his Majesties hand, with any novelty or informality against the accustomed Stile, under the pain of Deprivation. And that they write their Names on the back of the Signature, as allowed by them, as they will Answer at their highest peril, *Jam. 6, Par. 10, cap. 13.*

Prices appointed for Writers, Clerks and Keepers, and their Writs and Seals, *Jam. 6, Par. 23, cap. 19.* *See Prices.*

Writs.

That all Original Writs and Evidents to be made after the first of *November* 1593, contain the Writers Name and Designation specially insert in the End, before the inserting of the Witnesses, otherwise the same make no Faich, *Jam. 6, Par. 13, cap. 175.*

That all Writs Subscribed hereafter, wherein the Writer and Witnesses are not designed be null, and not supplyable,
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by a Condescendance on the Writer and Witnesset, their Designations, *Car. 2, Par. 3, cap. 5, Anno 1661. See it in Witnesses.*

Act allowing Contracts, Decrets, Dispositions, or other Securities to be written Book-ways, and ordering how they should be signed, *W. Par. 1, Sess. 6, cap. 15.*

That no Deed in Writ be granted blank in the Receivers Name, but be filled up, at least before Delivery, before the Witnesset to the Subscribing, under the pain of Nullity, excepting heretofore Indorsations of Bills of Exchange, or the Notes of any Trading Company, *Cap. 25. Ibid.*

All probative Writs may be Registrat in any publick Register competent, as if they did bear a Clause of Registration, and the Principals to be given back, *Sess. 7, cap. Ibid.*

False Writs, *see* Falshood.

Y.

Yeard, *see* Orchard.

Yares, *see* Cruives.

Youth, *see* Papist and Pedagogue.

That the Youth going out of the Kingdom abide constant in the True Religion, *Jam. 6, Par. 6, cap. 71. See Religion.*

That such as send their Sons Abroad, have a special care, that their Stay may be where the true Religion is professed, specially where they want Pedagogues, at least where the Inquisition is not; And in case any of these Sons haunt the Exercise of contrary Religion, these that have the Charge of them may be straitned to find Caution, to furnish them no more Money, except their reasonable Expences to bring them home, *Jam. 6, Par. 20, cap. 2.*

Yule vacance, *see* Session.

Z.

Zetland, *see* Orkney.

ADVERTISEMENT.

The above ABRIDGEMENT having been finished before the Meeting of the last Session of the Current Parliament the 5 June last; The Acts pass therein, are as follows.

First. ACT; Declaring the present Meeting of Parliament, by warrant of the 17th Act of the 6th Session of this Parliament, Entituled, *Act for security of the Kingdom*, and Her Majesties Adjournment, to be a lawful and free Meeting of Parliament, for the Ends mentioned in the said Act: And that it shall be high Treason, for any to Disown or Impugn, the Dignity or Authority of this Meeting of Parliament, upon any pretence.

2. **Act;** Asserting and Recognising, Her Majesties Royal Power and Authority; And her undoubted Right and Title, to the Imperial Crown of this Kingdom: And it is Declared to be high Treason, by Writing, speaking, or any other manner of way, to Disown, Quarrel, or Impugn, Her Majesties said Royal Power, Authority and Right. And it is farther Statute, That the Oath of Allegiance, with the Assurance subjoined to this Act; shall be Sworn and subscribed by all in publick Trust; According to the Act 1693, for taking the same, and the manner thereof is recommended to the Lords of Privy Council.

3. **Act;** Adjourning the Session till the first of July.

4. **Act** Ratifying and Confirming all Laws against Popery and Papists; And for Maintaining the *True Reformed Protestant Religion*, and Church of CHRIST, as Established; As likewise, For Establishing, and Confirming the *Presbyterian Church-Government and Discipline*. And Confirming particularly the Act 1690, Ratifying the *Confession of Faith*, and Settling *Presbyterian Church-Government*, but prejudice, nevertheless to the Act 1695, concerning the Church.

5. **Act** for a National Fast.

6. **Act** for an Annual or Triennial Half Cess, to be payed at the Rate of Seven Months in the Year, upon the Land-Rent, the Tithing, or Twelfth Part of Six per Cent of any other Rent as formerly.

7. **Act** Enabling Her Majesty to appoint Commissioners for Treating a Union betwixt the Kingdoms of Scotland and England.

8. **Act** for the Justiciary Court, for three years after the Date thereof: Reserving the Duke of Argyll's Justiciary within his Bounds; And with other Conditions contained in the Act.

9. **Act** Adjourning the Parliament to the Eighteenth Day of August next to come.

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